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A DIGEST
OF THE
LAWS AND ORDINANCES

FOR THE GOVERNMENT OF THE MUNICIPAL CORPORATION

OF

THE CITY OF ERIE, PENNSYLVANIA, -

IN FORCE APRIL 2nd, 1906,

With Notes and Decisions.

Published by Authority of the Mayor and Councils
of the City of Erie.

EMBRACING ALSO THE

Laws Applicable to Cities of the Third Class, Department Rules and
Names of Municipal Officers, of Erie, from its Incorporation
as a City, in 1851, to 1906, Inclusive.

BY THOMAS HANLON.

ERIE, PA.
DISPATCH PRINTING AND ENGRAVING COMPANY.
1906.

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Received through the
Bureau for Municipal Research

CERTIFICATE.

I HEREBY CERTIFY that the ordinances and parts of ordinances contained in this Digest, have been compared by me with the original or official ordinances of the City of Erie, Pennsylvania, and are correct and true copies thereof, to the best of my knowledge and belief.



WITNESS my hand and the seal of the City of Erie, Pa., this 2nd day of April, A. D. 1906.

T. HANLON.

PREFACE.

This Edition of the Digest of the Laws, Ordinances and Rules of the City of Erie, was compiled, printed and published in pursuance, to ordinances of the City of Erie, No. 2343, approved March 30, 1904, and No. 2503, approved March 31, 1905; Resolutions of the Select and Common Councils of said City, approved August 5, 1905, and September 25, 1905, and of contract with the Dispatch Printing and Engraving Co., dated December 8, 1905.

Part one, containing, "A Digest of the General Acts of Assembly of Pennsylvania, for the incorporation and government of Cities of the Third Class," third edition, (including "Table of Cases Cited,") by Louis Richards, Esq., of Reading, Pa., was purchased from, and is inserted by permission of Messers Soney & Sage, of Newark, N. J., by whom it is copyrighted.

The volume contains the laws especially applicable to Cities of the Third Class, Special Acts of Assembly, relating to Erie, Constitutional provisions, general laws of the Commonwealth and Acts of Congress of Municipal or local application; general ordinances, special ordinances of general interest, and department rules of the City of Erie, in force April 2, 1906; the subjects appearing in alphabetical order, also the names and terms of office of all the Burgesses and Mayors of the Borough and City, and of the Councilmen and City Officers from 1851 to 1906, inclusive, in chronological order.

Special ordinances having a continuing force are inserted. This class embraces a feature not usually found in City Digests, viz: ordinances for opening, vacating, widening, narrowing and straightening of streets arranged in geographical order, commencing at the north and east sides of the City; and a list of street grades, established by ordinances, arranged also in geographical order and with references to the records. Streets opened by dedication of land therefor by adjoining property owners, or by legislation other than ordinances, are described in the foot notes.

Ordinances relating to passing affairs, such as the following are entirely excluded, viz:

Ordinances for sewerage, paving and curbing particular streets; levying regular taxes; making and transferring appropriations of revenues; issuing bonds; submitting to popular vote questions of proposed increase of indebtedness; purchase and sale of real estate.

Those ordinances being either local or transitory in their appli-

PREFACE.

cation, active interest therein ceased with the consummation of the purposes which prompted their passage. Any person interested in an ordinance of this class can find it in the records of the City Clerk's office.

The head and marginal notes contain a synopsis of the text. In the foot notes will be found citations of judicial decisions, cross-references and historical data.

Where part of the text is supplied or altered by subsequent legislation, such fact is set forth in the foot notes. The word "note" in the index means foot note.

The original numbers of the ordinances, and of the sections and dates of approval of both laws and ordinances, are given in the margins, followed by references to the pamphlet laws of the Commonwealth or ordinance books of the City, thus: "Ord. 1367, June 18, 1897, Sec. 1, H. 26," printed on the margin of page 421, means: Section 1st, of ordinance of the City of Erie, No. 1367, approved June 18th, 1897, recorded in the City Clerk's office in Ordinance Book H, page 26.

The titles, enacting clauses and all extraneous matter, are excluded. The repealing clauses are generally omitted, except when so worded as to convey a meaning different from the ordinary.

Words and letters added by the compiler to complete the sense, are enclosed in brackets.

Copious and comprehensive alphabetical indexes, with references both to pages and sections, are a feature of the work. The index to

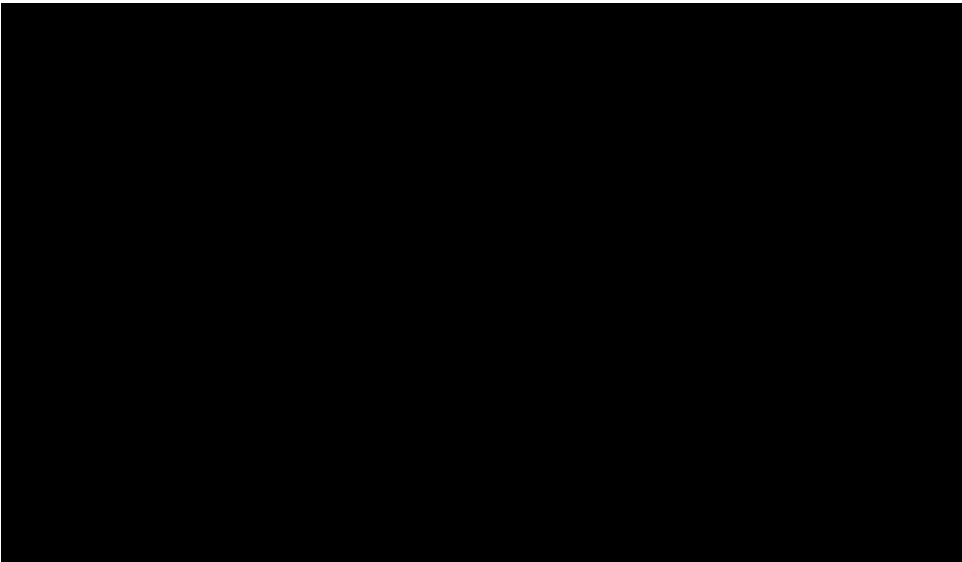


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ABBREVIATIONS.

- A.*—Ordinance Book A of the City of Erie.
Art.—Article.
Atl.—Atlantic Reports.
B.—Ordinance Book B of the City of Erie.
Bioren.—Carey & Bioren.
Brewst.—Brewster's Pennsylvania Reports.
Bright.—Brightly's Reports.
C.—Ordinance Book C of the City of Erie.
C. C.—Pennsylvania County Court Reports; Common Council of Erie.
C. C. R.—Chester County Reports; Circuit Court Reports; County Court Reports.
Ch. or *Chap.*—Chapter.
Cl.—Clause.
C. P.—Court of Common Pleas.
D.—Ordinance Book D of the City of Erie.
E.—Ordinance Book E of the City of Erie; East.
F. D.—Erie Fire Department.
G.—Ordinance Book G of the City of Erie.
H.—Ordinance Book H of the City of Erie.
I.—Ordinance Book I of the City of Erie.
J.—Ordinance Book J of the City of Erie.
Kulp.—Kulp's Reports.
L. T.—Law Times.
L. I. or *Leg. Int.*—Legal Intelligencer of Philadelphia.
N.—North.
N. Y.—New York Court of Appeals Reports.
Ord.—Ordinance.
P. L.—Pamphlet Laws of Pennsylvania.
Par.—Paragraph. (See Sec.)
Pears—Pearson's Pennsylvania Reports.
P. St.; Pa. St.; Penn. St.—Pennsylvania State Reports.
Pa. Co. Ct. Rep.—Pennsylvania County Court Reports.
Pa. S. C. Dig.—Pennsylvania Supreme Court Digest.
P. D.—Erie Police Department.
Pitts. L. J.—Pittsburg Law Journal.
Phila.—Philadelphia Reports.
Q.—Select Council Minute Book Q.
Q. S.—Court of Quarter Sessions.
R.—Rule.
S.—South.
S. C.—Select Council of Erie.
Sec. §.—Section.
- NOTE.—The use of "Sec." in the index and "par." in the foot notes are identical, both having reference to the compiler's numbering, only. The section numbers of the original text are given in the margins.
- S. & R.*—Sergeant & Rawle's Pennsylvania Reports.
S. E. Boro.—South Erie Borough.
Sm.—Smith & Reed's Laws.
U. S.—United States Supreme Court Reports.
W.—West.
Wall.—Wallace's Philadelphia Reports.
W. D.—Erie Water Department.
W. & S.—Watts & Sergeant's Reports.
W. N. C.—Weekly Notes of Cases.
* * *—Part of text omitted because repealed, supplied, or obsolete.

DEFINITION OF LATIN WORDS AND PHRASES.

Alias.—A subsequent writ issued after the previous one has expired without effect.

Anie.—Before; or on a prior page.

Capias ad satisfaciendum.—You may take to satisfy; a writ to take and keep the party until he gives satisfaction.

Duces tecum.—Bring with you; a judicial process requiring the production of books and documents in Court.

Fieri facias.—Cause it to be done; a judicial writ commanding the Sheriff to levy, Collect, etc.

Ibid.; *ibidem*.—Same as above; ditto.

Infra.—Below; subsequent paragraph under same head.

In rem.—Against the thing or property.

Inter alia.—Among other things.

Levari facias.—Cause to be levied; a writ of execution at common law.

Nihil.—Nothing.

Nisi.—Unless.

Nolla bona.—No Good.

Non est inventus.—He has not been found.

Per se.—By itself considered.

Post.—After; on a subsequent page.

Prima facie.—On the first view.

Scire facias.—Cause it to be known; a judicial writ founded upon some record,

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PART I.

GENERAL ACTS OF ASSEMBLY

FOR THE GOVERNMENT OF

CITIES OF THE THIRD CLASS.

Aldermen.

[See FINES AND PENALTIES.]

I. ELECTION OF ALDERMEN.

1. Constitutional provision. Qualifications.
2. Election of aldermen in cities of third class.
3. When terms to expire.
4. Constables to give notice.

II. VACANCIES.

5. How vacancies to be filled.
6. Aldermen to file acceptance with prothonotary. Governor to issue commission. Fee. Oath.

III. FEES.

7. Fees of aldermen throughout the state. Fees under U. S. laws.

IV. APPEALS AND TRANSCRIPTS.

8. Aldermen may demand costs in advance before delivering transcript. When to be recovered back.
9. Also costs upon transcript of judgment. Except where appellants are unable to pay.
10. Transcript in cases of felony to be returned within five days. Penalty.

I. Election of Aldermen.

1. Except as otherwise provided in this constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough;¹ no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Const. 1874,
Art. V. § 11.

Constitutional
provision.

Qualifications.

2. Each of the wards of each of the said cities shall be entitled to elect one alderman,² who shall have all the powers and jurisdiction of a justice of the peace, and said alderman

23 May 1874.
§ 32. P. L. 248.

¹ This provision does not command the election of two justices of the peace for each ward of a borough. *Commonwealth v. Morgan*, 178 Pa. 198.

² Cities of the third class, whether incorporated under the Act of 1874 or that of 1889, are entitled to elect but one alderman in each ward. *Commonwealth v.*

Hastings, 16 Pa. C. C. R. 425; *Harris's Application*, 4 Dist. R. 320. *Quære*, whether, under the constitution, the election of an alderman in every ward in cities of the second and third classes is obligatory, or whether the present number in such cities may not be reduced by legislation?

23 May 1874.
Election of
aldermen in
cities of third
class.

shall be elected at the municipal election next preceding the expiration of the commission of the justice of the peace residing in the district out of which the said ward shall be created; if two justices of the peace reside therein, then the alderman shall be the successor of the justice of the peace whose commission shall first expire; and no successor shall be elected to the one still in office, but his commission shall be and remain in full force until its expiration.¹

22 March 1877.
§ 1. P. L. 12.

When terms to
expire.

3. All aldermen or justices of the peace who shall be elected on the third Tuesday of February next, or in any year thereafter, whose terms of office would under existing laws expire prior to the first Monday of May, shall continue in office from the date at which said term would otherwise expire until the first Monday of May next ensuing thereto.

Id. § 2.

Constables to
give notice.

4. It shall be the duty of the constable of the proper ward, district, borough or township to give at least twenty days' notice, by advertisement preceding the election to be held on the third Tuesday of February of each year, of the expiration of the term of the commission of any alderman or justice of the peace that may expire on or before the first Monday of May following, and also of any vacancy that may happen by death, resignation or otherwise.

II. Vacancies.

22 March 1877.
§ 3. P. L. 12.

How vacancies
to be filled.

5. If any vacancy shall take place after any ward, district, borough or township election, by reason of the erection of any new ward, district, borough or township, or from the neglect or refusal of any person elected to accept a commission within sixty days after the date thereof, or by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor until the first Monday of May succeeding the next ward, district, borough or township election.²

for the term of five years, to be computed from the first Mon-^{22 March 1877.}
day of May succeeding the election, for which said com-
mission each person so elected an alderman or justice of the
peace shall pay three dollars, to be received by the recorder ^{Fee.}
of deeds of the proper county, to be by him transmitted to the
secretary of the commonwealth as fees for other commis-
sions are transmitted; and the said aldermen or justices of
the peace shall be by the said recorder sworn or affirmed in ^{Oath.}
the manner now provided by law.

III. Fees.

7. From and after the passage of this act the fees of jus-^{23 May 1893.}
tices of the peace, magistrates and aldermen shall be:^{§ 1. P. L. 117.}¹

	Dolls.	Cts.
For information or complaint on behalf of the com- monwealth	50	^{Fees of alder- men through- out the state.}
Docket-entry of action on behalf of the common- wealth	25	
Warrant, mittimus or capias, on behalf of the com- monwealth	50	
Writing an examination or confession of defendant	50	
Hearing in criminal cases.....	50	
Administering oath or affidavit in criminal or civil cases	10	
Taking recognizance in criminal case.....	50	
Transcript in criminal case, including certificate..	50	
Entering judgment on conviction for fine.....	50	
Recording conviction	25	
Warrant to levy fine or forfeiture.....	30	
Bail piece and return supersedeas.....	30	
Discharge to jailor.....	35	
Entering discontinuance in case of an assault and battery	50	
Entering complaint of master, mistress or an ap- prentice	30	
Notice to master, mistress or apprentice.....	25	
Hearing parties	50	
Holding inquisition under landlord and tenant act, or in case of forcible entry, each day, each justice	2	00
Process, et cetera, to sheriff, each justice.....	75	
Recording proceedings, each justice.....	1	50
Writ of restitution, each justice.....	75	
Warrant to appraise damages.....	30	
Warrant to sell strays.....	30	
Warrant to appraise swine.....	35	

¹The above act repeals the Act of April 2, 1883, P. L. 3, and is intended to be of uniform application throughout the state. *Fenner v. Luzerne County*, 167 Pa.

632; *Fraim v. Lancaster County*, 171 Id. 436. It also repeals all local acts as to all fees therein specified. *Hays v. Cumberland County*, 5 Super. Ct. R. 159.

	Dolls.	Cts.
<u>23 May 1898.</u> Receiving and entering return of appraisement of swine		25
Publishing proceedings of appraisers of swine....		75
Entering action in civil case.....		25
Summons or subpœna.....		25
Capias in civil case.....		50
Every additional name after the first, all witnesses' names to be in one subpœna, unless separate subpœnas be requested by the parties.....		10
Subpœna duces tecum.....		25
Entering return of summons.....		25
Entering capias and bail-bond.....		25
Every continuance of a suit.....		20
Trial and judgment in case.....		50
Taking bail or plea of freehold.....		25
Entering satisfaction		15
Entering discontinuance of suit.....		15
Entering amicable suit.....		50
Entering rule to take deposition of witnesses.....		15
Rule to take depositions.....		25
Entering return of rule, in any case.....		15
Interrogatories annexed to rule to take depositions.		25
Entering rule to refer.....		15
Rule of reference.....		25
Notice to each referee.....		25
Entering report of referees and judgment thereon.		30
Written notice, in any case.....		25
Execution		30
Entering return of execution.....		15
Scire facias, in any case.....		35

ALDERMEN.

5

	Dolls.	Cts.
Return of rule on garnishee.....	25	²³ May 1830.
Bond in case of attachment.....	50	
Entering return and appointing freeholders.....	25	
Advertisement, each	25	
Order to sell goods.....	35	
Order for the relief of a pauper, each justice.....	50	
Entering transcript of judgment from another justice or alderman.....	50	
Order for the removal of a pauper, each justice or alderman	1	00
Order to seize goods for the maintenance of wife and children	50	
Order for premium for wolf, fox or other scalps, to be paid by the county.....	25	
Every acknowledgment, or probate of deed or other instrument of writing, for first name.....	50	
Each additional name after the first.....	25	
Taking and signing acknowledgment of indenture of an apprentice.....	50	
Assignment and making record of indenture.....	50	
Canceling indenture	50	
Comparing and signing tax duplicates, each alderman	75	
Marrying each couple, making record thereof, and certificate to the parties.....	5	00
Certificate of approbation of two justices to the binding as apprentice of a person by the directors of the poor, each justice.....	35	
Certificate to obtain land-warrant.....	75	
Swearing or affirming county commissioner, assessor, director of the poor, or other township officer or county officer, and certificate.....	50	
Administering oaths or affirmations, in any case not herein provided for.....	25	
Justifying parties on bonds for tavern licenses....	1	00
Entering complaint in landlord and tenant proceedings, Act 1830.....	25	
Issuing process, in landlord and tenant proceedings, Act 1830.....	25	
Hearing and determining case in landlord and tenant proceedings, Act 1830.....	50	
Record of proceedings, in landlord and tenant proceedings, Act 1830.....	50	
Writ of possession (and return), in landlord and tenant proceedings, Act 1830.....	50	

When more than one magistrate is required in landlord and tenant proceedings, the above fees shall be charged by each magistrate.

		Dolls.	Cts.
<u>23 May 1863.</u>	Entering complaint, in landlord and tenant proceedings, Act 1863.....	75	
	Issuing process in landlord and tenant proceedings, Act 1863.....	75	
	Hearing and determining case, Act 1863.....	1	00
	Record of proceedings, Act 1863.....	1	50
	Issuing writ of restitution (and return), Act 1863.	1	00
<u>Fees under U. S. laws.</u>	The fees for services under the laws of the United States shall be as follows:		
	For certificate of protection.....	50	
	For certificate of lost protection.....	25	
	Warrant	25	
	Commitment	25	
	Summons for seamen in admiralty case.....	25	
	Hearing thereon, with docket entry.....	50	
	For certificate to clerk of the district court to issue admiralty process	25	
	For affidavits of claims and copies thereof.....	25	
	The fees for services not herein specially provided shall be the same as for similar services. ¹		

IV. Appeals and Transcripts.

<u>24 June 1886.</u> <u>§ 1. P. L. 159.</u>	8. In all cases of appeal from the judgment of an alderman or a justice of the peace, the said alderman or justice shall be
Aldermen may demand costs in advance before delivering transcript.	entitled to demand and receive from the appellant the costs in the case, before the making and delivery of the transcripts for said appeal; and, if the appellant shall finally recover judgment in the case appealed, he shall be entitled to receive
When to be recovered back.	and collect from the adverse party the costs so as aforesaid

from the party legally liable to pay the same; *Provided, however,* That any party to a suit before an alderman or justice of the peace shall have the right to appeal, and demand and receive transcripts, without payment of costs as hereinbefore provided on their making and filing with the alderman or justice of the peace an affidavit that they are unable through poverty to pay said costs.

10. From and after the passage of this act, it shall be the duty of all aldermen, justices of the peace and committing magistrates in this commonwealth, upon complaint being made in criminal cases upon oath or affirmation of any person or persons, to enter such complaint upon their dockets, with the name, residence and occupation, if any, of all defendants, bail and witnesses, in every criminal case, and to return to the clerk of the court of quarter sessions of the peace of the several counties respectively, a true transcript from the said docket within five days after the binding over, or committal of any defendant or defendants, charged with any felony; and any willful violation of the requirements of this section is hereby declared a misdemeanor in office, and on conviction thereof, the party so offending shall be fined in a sum not exceeding three hundred dollars, and the costs of prosecution.¹

24 June 1885.
Except where
appellants are
unable to pay.

11 June 1885.
§ 1. P. L. 110.

Transcript in
cases of felony
to be returned
within five
days.

Penalty.

¹ See the Act of March 10, 1905, P. L. 35, prohibiting the duplication of process in criminal cases upon charges constituting but a single offense.

Alleys.

[See STREETS.]

1. Procedure for vacation of alleys, etc., declared nuisances by health authorities. Petition of property owners to court of quarter sessions. Contents of petition. Certificate. Jury of view to be appointed.

2. Notice of meeting of viewers. View and inquiry. Report. Award of damages

and benefits. Notice of report to parties interested. Exceptions. Reconsideration of report.

3. Filing of report. Appeal to court of common pleas. Procedure on appeal. Confirmation of report. Application of act.

1. From and after the passage of this act, where the bureau of health or health officers of any city, county, township, borough, or district in the state shall declare as a public nuisance and menace to health any alley, lane, or passageway located therein, used wholly or partly by the public, that thereupon any two or more owners of property adjacent, contiguous, or abutting upon the same, may present their petition, duly verified by oath or affirmation, to the court of quarter sessions of the said city or county in which the said alley, lane, or passageway is located, setting forth the facts regarding the said nuisance, and praying that the said alley, lane, passageway, or so much thereof as may be necessary, be vacated; which said petition shall be accompanied by a certificate of the bureau of health or health officers, setting forth that they have declared the said alley, lane, or passageway to be a public nuisance and menace to health.

17 April 1905.
§ 1. P. L. 193.

Procedure for
vacation of al-
leys, etc., de-
clared nuisan-
ces by health
authorities.

Petition of
property own-
ers to court of
quarter ses-
sions.

Contents of
petition.

Certificate.

17 April 1905.

Jury of view
to be ap-
pointed.

Notice of
meeting of
viewers.

View and
inquiry.

Report.

Award of
damages and
benefits.

Notice of re-
port to parties
interested.

Exceptions.

Reconsidera-
tion of report.

Filing of
report.

That thereupon the said court shall appoint a jury of view of six men, being duly qualified residents of the city or county where the proceedings are had.

2. The said jury, being duly sworn or affirmed to faithfully perform their duties, shall give notice to the abutting, contiguous, and adjacent property owners, or others that are likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court may direct; and after the said first meeting, the jury shall proceed to view the premises, and inquire into and take testimony, in the manner usually pursued by juries of view in the opening of streets and the like; and then to present and file in the court of their appointment their report, in writing, of their findings and recommendations as to whether or not the said alley, lane, or passageway, or so much thereof as may be necessary, be vacated, and awarding the damages and assessing the benefits, if any, to the properties affected thereby; *Provided*, That after they shall have prepared their report, the jury shall give notice in writing to all the parties to be affected by the said report, at least ten days before the day therein named for its filing, that the same is open to inspection, at a place, within the said city or county, named therein; within which period any party or person aggrieved thereby shall have the right to file with the jury exceptions thereto; whereupon it shall be the duty of the said jury to proceed to reconsider their said report with the exceptions; and if the same or any part thereof are, in their opinion, in part or in whole, well founded, then it shall become their duty to modify their said report as justice may require; and thereupon file the same in the court of their appointment.

3. If, however, no exceptions be filed within the period of

not apply to any lane, alley, or passageway created or existing by grant or contract, and not heretofore accepted by the public authority of the city, borough, or township in which the same may be located.¹

¹ See the Act of March 21, 1905, P. L. 46, providing for the vacation of streets

and alleys unopened for period of thirty years; title "Streets."

Annexation of Territory.

1. Annexation of city, borough or township to contiguous city. Petition of electors to court of quarter sessions. Plan. Affidavit.

2. Notice to executive of city. Consent of councils. Public notice of proposed annexation. Hearing by court. Election to be held. Date of election.

3. Form of notice. Ballots.

4. Mode of conducting election. Certificate of result.

5. Decree upon affirmative vote. Dismissal of petition. Proceedings on new petition.

6. Annexed territory to become part of city. Payment of existing indebtedness. Apportionment of indebtedness. Computation of indebtedness. Wards. Consolidation of councils.

1. Any city, borough, township, or part of a township, may become annexed to any contiguous city in the same county, in the following manner, namely:

There shall be presented to the court of quarter sessions of the county a petition, signed by at least five¹ per centum of the qualified voters, as shown by the registry lists for the last preceding general election of the city, borough, township, or part of a township, desiring annexation to a city under this act; and, in case such petition is for the annexation of a part of a township, there shall be a plan attached showing such portion, and the petition shall only be signed by qualified voters as above defined, and residing in such portion. The petition shall be subscribed by the petitioners within three months immediately preceding the presentation thereof to the court, and shall be verified by affidavit of one or more of the petitioners.

2. The petition shall be filed, and thereupon the court shall direct notice to be given to the chief executive officer of the city to which the annexation is proposed to be made; and it shall be the duty of the councils of such city, within three months from the date of said notice, to, by ordinance, consent to or disapprove the proposed annexation. If the councils disapprove, then there shall be no further proceedings under that petition; but if the councils approve, then the court shall direct such notice to be given the people of the territory proposed to be annexed as the court shall consider to be proper and reasonable, and the said notice shall state a reasonable date thereafter at which the petition will be considered and all parties heard.

Upon the date fixed for the hearing, or as soon thereafter as practicable, the court shall hear the case; and, if the requirements of this act have been complied with, then shall order an election to be held in the petitioning city, borough,

¹ The minimum percentage of petitioners reduced from twenty to five by

the amending Act of April 19, 1905, P. L. 216.

28 April 1908.
§ 1. P. L. 332.

Annexation of city, borough or township to contiguous city. Petition of electors to court of quarter sessions.

Plan.

Affidavit.

Id. § 2.

Notice to executive of city.

Consent of councils.

Public notice of proposed annexation.

Hearing by court.

Election to be held.

28 April 1908.

Date of election.

Id. § 3.

Form of notice.

Ballots.

Id. § 4.

Mode of conducting election.

Certificate of result.

Id. § 5.

township or any part thereof, referred to in the petition, upon the question of annexation. If such order be made within three months and more than thirty days before the date of any general election, such election shall be held at such general election; otherwise, it shall be held at such date as the court shall fix, but in no case within thirty days from the making of such order.

3. The court shall direct that notice be given by advertisements or hand-bills, or both, of the time of such election; and shall also order the county commissioners to prepare separate ballots for such election, which shall read on the outside "Annexation" and on the inside "For Annexation" or "Against Annexation," and said commissioners shall provide for the placing of such ballots at the polling-places, at the opening of the polls on the day fixed, and for separate ballot-boxes to receive the ballots.

4. The election shall be held at the regular polling-places, and by the regular election officers, or, in case of their absence, their places shall be filled as provided by law. In receiving and counting, and in making returns of, the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating municipal elections; and the vote shall be counted by the court as is now provided by general laws governing municipal elections, and all the penalties of the said election laws, for the violation thereof, shall apply to the voters, inspectors, judges and clerks voting at, and in attendance upon, the elections held under the provisions of this act. The result of the election shall be certified to the court of quarter sessions having jurisdiction of the proceedings.

5. If it shall appear by the vote when counted that a

ritory annexed shall pay its own floating and bonded indebtedness and the interest thereon, as said floating and bonded indebtedness exists at the time of annexation, and for that purpose an annual tax shall be levied by the city to which it is annexed, and which shall be levied upon the subjects of taxation in such annexed territory only. Such annexed territory shall not be liable for the floating or bonded indebtedness of the city to which it is annexed, as the same shall exist at the time of annexation; but the same shall be provided for, principal and interest, by an annual tax, to be levied by such city upon the subjects of taxation within its limits. In case of annexation, the court may appoint commissioners to ascertain the floating and bonded indebtedness of the territory annexed and of the city to which it is annexed. An account shall be taken of all moneys on hand or receivable, applicable to the payment of the floating or bonded indebtedness of the respective portions at the date of annexation, and such money shall be applied in payment of the floating or bonded indebtedness of the respective portions. The territory annexed shall, as soon as practicable, be arranged into wards of the city to which it is annexed.¹

28 April 1908.

Payment of
existing in-
debtedness.Apportionment
of indebted-
ness.Computation
of indebted-
ness.

Wards.

In the meantime, the councilmen of the city annexed shall become members of the proper branches of councils of the city; and the members of council of an annexed borough shall be members of the common councils of the city, and remain until the expiration of the terms for which they were elected, and until their successors are duly qualified under the arrangement of the territory into wards.²

Consolidation
of councils.

¹ By Art. II. § 2. of the Act of May 23, 1889, P. L. 279-280, no ward is to be created or so divided as to contain less than three hundred taxable inhabitants.

² The above act, entitled "An Act for the annexation of any city, borough, township or part of a township to a contiguous city, and providing for the indebtedness of the same," is of broader application than Art. III. of the Act of May 23, 1889, P. L. 280 (which related exclusively to cities of the third class), whose various provisions and amendments it appears to have wholly superseded and supplied. A supplement to the Act of 1889, approved April 25, 1903, P. L. 312, relating to the adjustment of existing in-

debtedness, seems also to be covered by the act in the text.

The Act of May 8, 1895, P. L. 56, providing for the annexation of cities of the third class and boroughs or townships or parts of townships to cities of the second class contiguous thereto was repealed by the Act of April 14, 1897, P. L. 21.

The Act of April 20, 1905, P. L. 221, providing that where two cities are contiguous and in the same county, the smaller may be annexed to the larger (designed to effect the union of the cities of Allegheny and Pittsburgh), was declared unconstitutional by the supreme court in *Sample v. Pittsburgh*, 212 Pa. 533.

Assessments.

1. City assessors to be elected. Qualifications. Terms of members. Existing boards to serve out terms.

2. To be sworn. Vacancies. To appoint assistant assessors. Compensation.

3. First and triennial assessments. Exempt property. How property to be valued. When assessment to be completed.

4. Notice to taxables of assessments. Appeals.

5. Councils to elect board of revision. How board to be constituted. Term. Oath. Vacancies. Board to be elected by limited vote. Quorum. New assessments, how to be

made. Revision and equalization of assessments. Exempt property, when to become liable to taxation. Appeals to be heard and determined. Notice to be given of increase of valuation.

6. Board may administer oaths. False statements to be perjury. Compensation of board. City clerk to be clerk of board. Board to have custody of tax books. When appeals to be completed. Appeal from decision of board to court of common pleas. Costs of appeal.

7. Appeals from assessments to court of common pleas. Petition to be filed by ap-

pellant. Contents of petition. Hearing of appeals. Powers of court to revise assessments. Costs. Appeal not to suspend collection of tax.

8. Appeals to supreme or superior court. Proviso.

9. Qualifications of city assessors. Offices of disqualified assessors to be declared vacant. How vacancies to be filled. Powers of assessors. Vacancies.

10. Oath.

11. Assistant assessors. How removable. Compensation of assessors and assistants to be fixed by councils.

12. Duties of assessors. Valuations. Description of properties assessed. Return of male inhabitants.

13. How properties to be assessed. Lands partly without city limits.

14. Assessment in years succeeding triennial assessment. Additions and deductions. Subdivision of ownership. Annexed territory. Transfers of ownership. Assessment of personal estate. Notice of omis-

sions or changes of valuation. Hearings.

15. Assessments for years omitted. Limitation. Assessments to be placed with city treasurer.

16. Books, maps, etc., to be procured. Transcription of duplicates. Power of assessors to administer oaths and require inventories. Revision of estimates.

17. Information required from city registry bureau. Registry to be sufficient description.

18. Completion of assessments. Correction of errors.

19. Hearings before board of revision and appeal. Notice of meetings to be given. Contents of notice. Appeals from decision of board. Hearings. Notice to non-residents.

20. How assessors to be removable. Vacancies, how filled. Responsibility for omissions.

21. Councils to pass ordinances on matters not provided for.

23 May 1889.
Art. XV., § 1.
P. L. 317.

City assessors
to be elected.

Qualifications.

Terms of
members.

Existing
boards to
serve out
terms.

Id. § 2.

1. The qualified electors of each of said cities of the third class shall, at the municipal election, elect three persons, residents of the city for at least five years previous to their election, qualified electors thereof and the owners of real estate therein, as a board of city assessors,¹ one of said persons to be elected to serve from the first Monday of April succeeding his election, for one year thereafter; one to be elected to serve for two years thereafter, and one to be elected to serve for three years thereafter. That annually thereafter at the municipal election there shall be elected one person as city assessor, to serve from the first Monday of April succeeding his election for three years thereafter. No two members of any board of city assessors shall be residents of the same ward; *Provided*, That members of boards of city assessors in office at the time of the passage of this act may serve until the expiration of the term for which they were elected.²

2. Each of the said assessors shall, before entering upon his duties, take and subscribe the oath herein prescribed for

tion, with a just valuation of the same, and shall also return ^{22 May 1895.} with the assessments the dimensions or quantity of each lot Art. XV. or piece of land assessed, with the number and kind of improvements thereon; and every third year thereafter a similar assessment shall be made, and they shall in all cases value such property at such sums as the same would in their judgment bring at a fair public sale thereof. It shall be their duty during the years succeeding the year of the triennial assessment, upon the precept of the board of revision and appeal provided for by section three of this act, to make out and return a full, just and equal assessment as directed by said precept, and they shall complete their annual assessment on or before the first day of January in each year.¹

How property
to be valued.

When assess-
ment to be
completed.

4. It shall be the duty of the said board of assessors to give at least five days' printed or written notice to every taxable inhabitant of the city of the amount or sum for which he stands rated in any triennial assessment, and also of any change in his assessment in any intervening year, together with the time and place of hearing appeals by the board of revision and appeal. Any person aggrieved by the action of the board of assessors may appeal therefrom to the board of revision and appeal hereinafter provided for.²

Id. § 4.

Notice to tax-
ables of as-
sessment.

Appeals.

5. The councils of such city, in joint convention, immediately after the passage of this act and thereafter on or before the first Monday of May in every third year, shall elect five resident citizens of such city, all or any number of whom may, in the discretion of councils, be chosen from among the members of select and common councils, who shall constitute a board of revision of taxes and appeals and shall serve for three years, or until their successors are elected, and they shall immediately after their appointment, be severally sworn to faithfully perform the duties pertaining to their office. Any vacancy occurring in said board by death, resignation or otherwise shall be filled by said councils for the unexpired term. No member of council shall vote for more than three members of said board of appeals, and the five persons receiving the highest number of votes shall be declared elected. Said board, a majority of whom shall constitute a quorum, may in any year other than a triennial year, if they shall deem a new assessment necessary, on or before the first day of September, issue their precept to the city assessors, requiring them to make out and return a full, just and equal assessment of property within the city, or such parts thereof as the said board of revision may deem advisable,³ and they shall take and receive the triennial and yearly assessments as returned by the board of city assessors, and shall have power

Id. § 5.

Councils to
elect board
of revision.

How board to
be constituted.

Term.

Oath.

Vacancies.

Board to be
elected by
limited vote.

Quorum.

New assess-
ments, how
to be made.

¹ So amended by Act of May 23, 1895, § 1. P. L. 118.

² See *infra*, 5, 6. So amended by Act of May 23, 1895, § 2, P. L. 119.

³ The provision of this section authoriz-

ing the board of revision to cause an assessment to be made in other than triennial years is not unconstitutional as a delegation of legislative power. *Jermyn v. Scranton*, 186 Pa. 595.

23 May 1889.
Art. XV.

Revision and
equalization of
assessments.

Exempt prop-
erty, when to
become liable
to taxation.

Appeals to be
heard and
determined.

Notice to be
given of in-
crease of
valuation.

Board may ad-
minister oaths.

False state-
ments to be

and authority to revise, equalize or alter such assessments in any and every year by increasing or reducing the valuations, either in individual cases or by wards or parts of wards, and to add to the assessment books, and to the duplicates thereof in the hands of the city treasurer, any subject of taxation omitted therefrom, and any real estate in such city which has been exempt from taxation and ceased to be occupied and used for the purpose or purposes which entitled it to such exemption, as taxable for the portion of the year commencing at the time when the right to exemption ceases, and such real estate shall thereupon become subject to taxation at the tax rate fixed for the year for the proportionate part of the year during which it is not entitled to exemption, and it shall be their duty to rectify all errors and, when deemed necessary, they may require the attendance of the board of assessors and the assistant assessors, or any of them, or other citizens before them for examination on oath or affirmation, either singly or together, and they shall hear and determine all appeals by taxpayers from the assessments made by the city assessors, at such time and place as they may prescribe, at least five days' printed or written notice of which shall be given, as provided in section two of this act. It shall be the further duty of said board to give five days' written or printed notice to every taxable inhabitant of the city of any increase or addition to the valuation assessed against him by the board of city assessors, together with the time and place of hearing appeals therefrom.

6. For the purposes of all hearings and for all other purposes necessary to the discharge of their duties the said board shall have authority to administer oaths and affirmations touching any matter relating thereto, and any willful, false statement under oath as to any material fact by any com-

the lawful assessment for the purpose of city taxation until altered as provided by this act. The decision of said board shall be subject to an appeal to the court of common pleas of the county wherein such city is situated, in accordance with existing laws, whose decisions shall be final, and if the appeal to the courts shall be groundless the appellant shall pay all the costs of the appeal.¹

22: May 1889.
Art. XV.

Appeal from
decision of
board to court
of common
pleas.

Costs of ap-
peal.

7. Any owner of real estate or taxable property in this commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property, may appeal from the decision of the county commissioners, or board of revision and appeal, to the court of common pleas of the county within which such property is situated; and for that purpose may present to said court, or file in the prothonotary's office within sixty days after the county commissioners or board of revision and appeal have held the appeals provided for by law and acted on the said assessments and valuations, a petition signed by him, his agent or attorney, setting forth the facts of the case, and thereupon the said court shall proceed at the earliest convenient time, to be by them appointed, of which notice shall be given to the county commissioners of the proper county, or to the board of revision and appeal of the proper city, to hear the said appeal and the proofs in the case, and to make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable, having due regard to the valuation and assessment made of other real estate in such county or city,² the costs of the appeal and hearing to be apportioned or paid as the court may direct; *Provided, however,* That the said appeal shall not prevent the collection of the taxes complained of, but in case the same shall be reduced, then the excess shall be returned to the person or persons who shall have paid the same.³

19 April 1889.
§ 1. P. L. 37.

Appeals from
assessments to
court of com-
mon pleas.

Petition to be
filed by ap-
pellant.

Contents of
petition.

Hearing of
appeals.

Powers of
court to revise
assessments.

Costs.

Appeal not to
suspend col-
lection of tax.

8. Any owner of real estate or taxable property in this commonwealth may appeal from the judgment, order or decree of any court of common pleas, in any matter affecting the assessment of taxes upon his property, to the supreme or superior court, in the same manner as appeals are taken in other cases to the said supreme or superior court; *Provided,*

26 June 1901.
§ 1. P. L. 601.

Appeals to su-
preme or su-
perior court.

Proviso.

¹ So amended by Act of May 23, 1895, § 3, P. L. 120. The Act of March 18, 1875, P. L. 15, Sections 1-5, authorizing the court of common pleas to appoint city assessors, and the classification of real estate for purposes of taxation in cities of the third class, was declared unconstitutional in *Scranton School District's App.*, 113 Pa. 176, because of the proviso making it operative upon the acceptance of its provisions by ordinance. Section 6 of the act, relating to the annexation of adjacent territory, has been supplied by later legislation.

² See, as to the duty of the court in determining the appeal, *Richter's App.*, 8

Pa. C. C. R. 119; *White v. Venango County*, 10 Dist. R. 482; *App. of Hamilton Heirs*, 14 Id. 655; *Drake v. Northampton County*, Id. 688.

³ If the city does not attempt to collect the taxes pending the appeal, it will be presumed that it decided to await the judgment on the appeal before treating the taxpayer as delinquent, and if upon such judgment the latter tenders the amount owing by him, the penalty for non-payment of the tax cannot be exacted. *Ferguson v. Pittsburgh*, 159 Pa. 435. The act is constitutional as to its title. *Rockhill I. & C. Co. v. Fulton County*, 204 Pa. 44.

26 June 1901. *however,* That the said appeal shall not prevent the collection of the taxes complained of; but in case the same shall be reduced, then the excess shall be returned to the person or persons who shall have paid the same.

29 March 1906.
§ 1. P. L. 71.

9. All assessors in cities of the third class, elected in pursuance of article fifteen of an act, entitled "An act providing for the incorporation and government of cities of the third class," approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine, and the amendments thereof, shall have been residents of the respective city for at least five years previous to their election, qualified electors thereof, and owners of real estate therein, at the time of their election and during their entire term of service, of the assessed value of at least five hundred dollars. Councils shall not permit any person elected assessor to enter upon the duties of said office, nor continue in office, when he does not have and possess all the qualifications aforesaid, and for this purpose they shall have the power, by a majority vote of all the members elected to each branch of councils, to declare the said office vacant at any time any person has not or ceases to have the qualifications aforesaid, for said office; and they may thereupon, in joint convention, fill the vacancy thus occasioned, in the manner hereinafter provided for the filling of vacancies. The said assessors shall have all the powers, and perform the same duties, as are prescribed in the aforesaid article, and acts of assembly to which this act is a supplement, except where herein is otherwise provided. They shall constitute a board of city assessors, and any vacancy occurring in said board shall be filled by councils, in joint convention, for the unexpired term.

Qualifications
of city as-
sessors.

Offices of dis-
qualified as-
sessor to be de-
clared vacant.

How vacancies
to be filled.

Powers of
assessors.

Vacancies.

Id. § 2.

10. Each of said assessors, before entering upon his duties, shall take and subscribe the oath prescribed by law to be

within the city, subject by law to taxation for city purposes, ^{29 March 1905.} and a just and perfect list of all property exempt by law from taxation, with a just valuation of the same. With ^{Valuations.} their assessments they shall return such dimension, description or quantity of each lot or parcel of land as will be sufficient to identify the same, together with the number and kind of improvements. In all cases they shall value the property at such sums as the same would, in their judgment, bring at a fair public sale thereof. And it shall be the further duty of said assessors to return, annually, a list of all the male inhabitants over twenty-one years of age. ^{Description of properties assessed.} ^{Return of male inhabitants.}

13. The said city assessors may assess real estate in the name or names of the registered owner, actual owner (legal or equitable), reputed owner, owner of the life estate, occupier, vendor or vendee; any person who has or had any connection with the legal title thereof, or an interest in the premises, or has charge or control thereof; in the name of the husband when lands are owned by the wife; partnership property, in the name of the partnership, or in the name of the partners or of any of them; trust property, in the name of the trustee or trustees, or of any of them, or in the name of the cestui que trust; property of a minor, in the name of the minor or his guardian; property of a lunatic, in the name of the lunatic or his committee; and property formerly belonging to a person since deceased may be assessed in the name of the decedent, or in the name of the estate of said decedent, or of his administrator or administrators, executor or executors, or his heirs generally, or in the name of any administrator, executor or heir; and in assessing the same in the names of the executors, administrators or heirs, it shall not be necessary to designate them by their christian or surnames; and other property, not herein provided for, may be assessed in the manner the same is assessed for county taxation; but this provision shall not prevent the collection, under existing laws, of any tax assessed against property by a sufficient designation or description, where the same has been assessed in the name of any person or persons who are not the owners thereof; and where lands of owners are part within and part without the city limits, they shall be assessed in the same manner and within the same jurisdiction as if the same were being assessed for county purposes. ^{Id. § 5.} ^{How properties to be assessed.} ^{Lands partly without city limits.}

14. On the years succeeding the triennial assessment, the said assessors shall perform the following duties with reference to the assessment of real estate, viz.: (a) They shall assess any real estate, in the manner aforesaid, which has been omitted, and correct any errors which may have been made in making the triennial assessment; (b) add to the assessment any property which has ceased to be exempt; (c) add to the value of any real estate the value of any new ^{Id. § 6.} ^{Assessment in years succeeding triennial assessment.} ^{Additions and deductions.}

29 March 1905.	building or new or other new improvements; (d) deduct from the value of any real estate any depreciation caused by destruction, injury, or otherwise, howsoever; (e) where
Subdivision of ownership.	of tracts, as assessed at the triennial assessment, have been subdivided, they shall equalize and apportion the assessment of the lands thus subdivided, upon the basis of the value as fixed at the triennial assessments, upon the whole lot or tract; (f) where any borough, township, part of borough or township, or any tract or tracts of land, have been added to the city since the last triennial assessment, to make a full, just and impartial assessment of the property in the annexed district, and return the same in a like manner as if it were a triennial assessment; (g) when any property has been transferred, to make the proper changes or transfers upon the proper assessment-books and duplicates; (h) to perform such other duties as may be prescribed by ordinance, necessary to the making of proper assessments or valuations. And to perform the following duties as to the assessment of the
Annexed territory.	personal estate and other matters and subjects of taxation, viz.: (a) To assess any personal property or subjects of taxation omitted at the triennial assessment, and to add such additional personal estate and subjects of taxation as the person assessed may have acquired since the triennial assessment; (b) to make deductions, where such property has been disposed of; (c) to reduce valuations, when property has been depreciated, lost or destroyed. But when any real estate is assessed which had been omitted, errors corrected, or any increase is made in valuations or by additions, for any cause, after the triennial assessment, or where valuations have been made upon subdivisions of any lot or tract, such assessments shall not be considered final or conclusive without first
Transfers of ownership.	giving to the person or party affected thereby at least five
Assessment of personal estate.	
Notice of omissions or changes of valuation.	
Hearings.	

property, an inventory of his taxable property, with his estimation of the just, full, fair and impartial value thereof, and which, in his judgment, the same would bring at a fair public sale thereof. Such estimation shall not be conclusive, but shall be subject to revision by increase, decrease, or equalization with other property.

29 March 1906.

Revision of estimates.

17. Where any city has established a registry of real estate, in pursuance of the act to which this is a supplement, the said assessors shall have the right to obtain from said department such information as to the registered owners of real estate as said department is able to furnish, and under such rules and regulations as shall be established by ordinance of councils; and it shall be a sufficient description of any real estate in any assessment-books or duplicates to designate the same by such city lot number, other number, or such other designation as the same shall appear in the registry department.

Id. § 9.

Information required from city registry bureau.

Registry to be sufficient description.

18. The said board of assessors shall complete their triennial assessment, and the annual assessments in intervening years, on or before the first day of January in each year; and they shall have power to add to the duplicates, in the hands of the city treasurer, any subject of taxation omitted therefrom, and to rectify any and all errors and mistakes made therein.

Id. § 10.

Completion of assessments.

Correction of errors.

19. When the time or times and place for the meeting or meetings of the board of revision and appeal shall have been fixed, in years of triennial assessment, or in other years, it shall be the duty of said board of city assessors to give, or cause to be given, at least five days' printed or written notice to each and every taxable inhabitant of the city, resident therein, if he, she or they can be found, of the amount or sum for which he, she or they stand rated, in any triennial assessment; and, also, of any sum or amount for which said persons stand rated, by reason of any change in his, her or their assessment, in any intervening year, by reason of any cause whatsoever, together with the time and place of hearing appeals of said board of revision and appeal; and any person dissatisfied or aggrieved by the assessment made by the board of assessors, may appeal to the said board of revision and appeal, and be heard at the time fixed in the notice, to be served as aforesaid. In case the property owner is not found, the notice above provided for may be served upon any tenant or other occupant of the premises.

Id. § 11.

Hearings before board of revision and appeal.

Notice of meetings to be given.

Contents of notice.

Appeals from decision of board.

Hearings.

Notice to non-residents.

20. Any assessor may be removed from office by a vote of two-thirds of all the members elected to each branch of councils, and the vacancy thus occasioned may be filled in the manner hereinbefore provided; and any assessor or assessors who wilfully omit, neglect or refuse to assess any property liable to taxation, shall be held responsible to the proper city for any loss or damage caused thereby.

Id. § 12.

How assessors to be removable.

Vacancies, how filled.

Responsibility for omissions.

29 March 1905.
§ 13.

Councils to
pass ordinances
on matters not
provided for.

21. The councils of each of the said cities of the third class shall have authority to pass such ordinances as they may deem proper and necessary, providing for and regulating the manner of making the aforesaid assessments, valuations and transfers, and the taking of appeals to the board of revision and appeal, and regulating proceedings before said board on any and all matters not specifically provided for in this act, and all acts to which this is a supplement, and not inconsistent herewith.

Automobiles.

1. Motor vehicles to be licensed by state highway department.

2. Applications. Age of applicant.

3. Applications to be registered. Tags to be furnished. Description. Fee for license.

4. Contents of license. License number to be posted on vehicle. State license number only to be carried.

5. Limit of speed in cities and boroughs. Outside corporate limits. Township authorities may fix limit of speed in certain sections. Signs to be put up. Reasonable speed to be observed.

6. Tags to be displayed on vehicles. When number to be lighted. Lighted lamps to be carried at night. Red light in rear. Brakes and signals. Signals to be sounded at cross-

ings. Right of way. When to stop upon signal.

7. License to be carried. When to be exhibited. Term of license.

8. Arrest upon view for violation of act. Motor vehicle to be held in default of bail. Disposition of vehicle.

9. Civil actions for damages, how brought. Service of process.

10. Penalty for violation of act. Imprisonment in default of payment. Second or subsequent conviction to be misdemeanor.

Penalty. Imprisonment in default of payment. License to be revoked. Limitation of reissue.

11. Appropriation of fines.

12. When act to be inapplicable.

13. When to take effect.

19 April 1905.
§ 1. P. L. 217.

Motor vehicles
to be licensed
by state high-
way depart-
ment.

Id. § 2.

Applications.

Age of appli-
cant.

1. No motor-vehicle, whether propelled by steam, gas or electricity, shall be operated or driven upon any public street or public highway in any city, borough, county or township in this commonwealth until the operator thereof shall have procured a license from the state highway department of this commonwealth,¹ as hereinafter provided.

2. Every applicant for a license shall set forth, in writing, verified by oath or affirmation, the name and residence of the applicant. No license shall be issued to any person who

be carried upon the front and back of the said vehicle while operated or used on any of the public streets or public highways, as aforesaid; and a license number obtained in any other place or State shall be removed from said vehicle while the vehicle is being used within this commonwealth.

19 April 1906.
License number to be posted on vehicle.
State license number only to be carried.

5. No person or persons shall be allowed to use, operate or drive any motor-vehicle, as aforesaid, upon any of the public streets or public highways of the cities, boroughs, counties or townships of this commonwealth at a speed greater than a mile in six minutes, within the corporate limits of any of the cities and boroughs thereof; outside of the corporate limits of any city or borough, as aforesaid, the lawful rate of speed shall not exceed one mile in three minutes; *Provided*, That in townships of the first class the commissioners thereof may, by ordinance, fix a speed rate of not less than one mile in six minutes, in such sections of said township as they may deem such rate necessary for public safety; *Provided, however*, In the sections where such speed limit is fixed, the commissioners shall cause signs to be placed at distances of not over one-half mile apart, which signs shall be readable from the highways, and shall set forth the speed limit and the penalty for the violation thereof; *Provided further*, That this section shall not permit any person or persons to drive an automobile at a greater speed than is reasonable, regarding traffic, danger, or injury to property or person, at any time or at any place.

Id. § 5.
Limit of speed in cities and boroughs.
Outside corporate limits.
Township authorities may fix limit of speed in certain sections.
Signs to be put up.
Reasonable speed to be observed.

6. Any person using or operating a motor-vehicle upon the public streets or public highways, as aforesaid, shall have displayed in a conspicuous place on the front and back of said vehicle, the tags furnished by the state highway department, accompanying his license for that year; and one hour after sunset he shall have the number in the back of the machine sufficiently lighted, so as to be plainly distinguishable. Every such motor-vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least one fixed lighted lamp, showing a white light, visible at least one hundred feet in the direction towards which the vehicle is proceeding, and shall also exhibit one red light, visible in the reverse direction. Every motor-vehicle shall also be provided with good and sufficient brake or brakes, and shall also be provided with bell, horns or other signal device. Every operator or user thereof shall sound the gong or other alarm when approaching a street crossing or road crossing; and shall have no more right of way, or preference as to the use of such street or road, than the driver of a vehicle about to be passed, but shall stop the motor-vehicle when signaled to do so by the driver of any horse or other animal, until the animal or animals have passed or have been passed by said motor-vehicle.

Id. § 6.
Tags to be displayed on vehicles.
When number to be lighted.
Lighted lamps to be carried at night.
Red light in rear.
Brakes and signals.
Signals to be sounded at crossings.
Right of way.
When to stop upon signal.

7. Every person so licensed shall carry with him, when

Id. § 7.

19 April 1906.

License to
be carried.When to be
exhibited.Term of
license.

Id. § 8.

Arrest upon
view for viola-
tion of act.Motor vehicle
to be held in
default of bail.Disposition of
vehicle.

Id. § 9.

Civil actions
for damages,
how brought.Service of
process.

Id. § 10.

Penalty for
violation of
act.

using or operating such motor-vehicle upon the public streets or the public highways aforesaid, his license, and when so required by any constable or police officer of this commonwealth shall produce the license for inspection. No license issued shall be valid for a longer period than one year. It may be issued on the first day of January, or at any time thereafter, but shall expire on the thirty-first day of December next ensuing.

8. The constables and police officers of the cities, boroughs and townships of this commonwealth may arrest, upon view and without warrant, any person or persons violating any of the provisions of this act; *Provided*, That in the event of an arrest for violation of any of the provisions of this act, if the defendant is unable to give sufficient bail for a hearing or for his appearance at court, the magistrate before whom he is first taken shall, in lieu of such bail, hold in custody the motor-vehicle found in possession of the defendant; and the court, after the trial of the defendant, if no sufficient bail according to law has been given in the meantime, shall make such order as to the disposition of such motor-vehicle as to it shall seem just and proper.

9. All civil actions for damages arising from the use and operation of any motor-vehicle, as aforesaid, may be brought in the city or county in which the alleged damages were sustained, and service of process may be made by the sheriff in person, or by his deputy, in any part of this commonwealth, in like manner as process may now be served in the proper county.

10. Any person violating any of the provisions of this act shall be subject to a fine or penalty of not less than ten dollars nor more than twenty-five dollars, to be collected by summary conviction before any magistrate or justice of the

11. All fines and penalties collected under the provisions of this act shall be paid to the city, borough or township treasurer, wherein the offense is committed, and the same shall be expended by said city, borough or township for the benefit of the public roads. ^{19 April 1905. § 11. Appropriation of fines.}

12. This act shall not apply to any race-course or private road, nor to any passenger railway or steam railroad confined to tracks, nor to steam or other street-rollers, nor to any of the motor-vehicles which any manufacturer or vendor of automobiles may have in stock for sale, and not for hire or for his private use. ^{Id. § 12. When act to be inapplicable.}

13. This act shall take effect on the first day of January, Anno Domini one thousand nine hundred and six.¹ ^{Id. § 13. When to take effect.}

¹Section 14 repeals all inconsistent acts. The only act previously passed on the subject was that of April 23, 1903, P. L. 268, the subject matter of which is

entirely covered by the act in the text. The former remained in force up to January 1, 1906.

Bicycles.

1. Rights and restrictions of use of bicycles, etc., defined.

1. Bicycles, tricycles and all vehicles propelled by hand or foot, and all persons by whom bicycles, tricycles and such other vehicles are used, ridden or propelled upon the public highways of this State shall be entitled to the same rights, and subject to the same restrictions in the use thereof, as are prescribed by law in the cases of persons using carriages drawn by horses.¹ ^{23 April 1889. § 1. P. L. 44. Rights and restrictions of use of bicycles, etc., defined.}

¹A bicycle is a two-wheel carriage within the meaning of the acts authorizing the collection of tolls from vehicles on turnpikes. *Geiger v. Turnpike Road Co.*, 167 Pa. 582; and its operation upon public sidewalks is within the prohibition of the Act of May 7, 1889, P. L. 110, punishing by fine the riding or driving of any horse or other animal upon the same. *Commonwealth v. Forrest*, 170 Id. 40. The propulsion of bicycles is governed by the rules of the road applicable to vehicles.

Taylor v. Union Traction Co., 6 Dist. R. 365; 184 Pa. 465. *Commonwealth v. Doolley*, 6 Dist. R. 381. *Rowland v. Wanamaker*, 20 Pa. C. C. R. 621; 7 Dist. R. 249, and see *Ordway v. Cornelius*, 23 Pa. C. C. R. 281. The Act of April 11, 1890, P. L. 36, providing for the construction of sidepaths along the public highways in townships for the use of bicycles and pedestrians and for levying a tax upon bicycles for such purpose, is unconstitutional. *Porter v. Shields*, 200 Pa. 241.

Board of Health.

[See ALLEYS—CONTAGIOUS AND INFECTIOUS DISEASES—REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.]

I. CREATION OF BOARDS BY ORDINANCE.

1. Board may be created.
2. Membership. Qualifications. Term of service. Mayor to appoint. Removals. Terms of first appointees.
3. Members to be sworn. Organization. Secretary and health officer. Salaries. Bonds. Oath. Fees to be paid into city treasury. President and secretary to administer oaths.
4. Rules and regulations. Powers and duties of board as to infectious diseases, etc. May establish hospitals. Physicians and sanitary agents. Physicians to report cases of contagious diseases.
5. Powers as to abatement of nuisances. Execution of orders of board. Costs, how recoverable. Costs to be lien.
6. Licenses to plumbers, etc. Board of

examiners to be appointed. Register to be kept.

7. Examination fees. Compensation of board.

8. Penalty for violation of act. How recoverable.

9. Registration of marriages, births and deaths. General rules and regulations. Penalties, etc., to be paid into city treasury.

10. Annual estimates to be submitted to councils. Appropriations. Annual reports. Copies to be sent to state board.

II. HOUSE DRAINAGE AND CESS-POOLS.

11. Boards to adopt rules and regulations for house drainage, etc. And provide for registration of plumbers. Where act not to apply.

12. Penalty for violation of regulations.

BOARD OF HEALTH.

I. Creation of Boards by Ordinance.

23 May 1886.
Art. XI., § 1.
P. L. 306.

Board may be
created.

Id. § 2.
Membership.

Qualifications.

Term of ser-
vice.

Mayor to ap-
point.

Removals.

Terms of first
appointees.

Id. § 3.
Members to
be sworn.

Organization.

Secretary and
health officer.

1. The councils of any city of the third class may, by ordinance, create a board of health as herein provided, with the powers and duties herein enumerated.¹

2. The said board shall consist of five members, who shall serve without compensation, and none of whom shall be members of councils. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by councils, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. The mayor shall nominate, and by and with the consent of the select council appoint the members of said board, and shall in like manner remove any or all of them for official misconduct or neglect of duty, and fill all vacancies for the unexpired term. At the first appointment the mayor shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and thereafter one member of said board shall be appointed annually to serve for the term of five years.

3. The members of the board shall severally take and subscribe the oath herein prescribed for city officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, not of their body, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the city. The sec-

4. The said board of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases,¹ by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease,² and by abating and removing all nuisances which they shall deem prejudicial to the public health,³ to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste and soil pipes and cess-pools, and to make all such other regulations as they shall deem necessary for the preservation of the public health.⁴ They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease within the city, to establish one or more hospitals, and to make provision and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases, in the manner directed by the said board.

23. May 1890.
Art. XI., § 4.

Rules and
regulations.

Powers and
duties of board
as to infectious
diseases, etc.

May establish
hospitals.

Physicians and
sanitary agents.

Physicians to
report cases of
contagious
diseases.

5. The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants and workmen, under and by order of said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisances issued to the said health officer by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or

Id. § 5.

Powers as to
abatement of
nuisances.

Execution of
orders of
board.

Costs, how
recoverable.

¹ By the Act of April 14, 1903, P. L. 172, § 3, the system of disinfection of school houses, etc., in cities, adopted by school directors or trustees, is made subject to the approval of the local board of health.

² See *Eddy v. Board of Health*, 10 Phila. R. 94. As to the liability of a municipality to provide for the maintenance of persons quarantined under the direction of the board of health, see *Zellner v. Allentown*, 5 Dist. R. 547; 18 Pa. C. C. R. 162; *Rearer County Commissioners*, 14 Dist. R. 491; *Borger v. Alliance Boro.*, 23 Super. Ct. R. 407.

³ A pig sty in a city is a nuisance *per se*, *Commonwealth v. Van Sickle*, Bright.

R. 69; even if located in the rural districts thereof. *Commonwealth v. Huts*, Id. 75, note. See, also, *Commonwealth v. Armstrong*, 24 Pa. C. C. R. 442.

⁴ The board may require a reasonable license fee from persons engaging in the business of removing garbage. *Meadville v. Bradby*, 22 Pa. C. C. R. 163. See the Act of May 19, 1897, P. L. 77, regulating the erection and operation of bone boiling establishments and depositories of dead animals, requiring the same to be conducted and maintained by permission and under the supervision of the local boards of health in cities and boroughs, and of the state board of health in townships.

23 May 1889.
Art. XI.

Costs to be
lien.

maintaining the same, in the manner herein provided;¹ and the amount of the cost and expense thereof shall also be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer, filed with the city clerk, and said lien may be filed and proceeded in as herein provided in the case of municipal liens.²

Licenses to
plumbers, etc.

Board of ex-
aminers to be
appointed.

Register to
be kept.

6. It shall, furthermore, be the duty of said board of health to make suitable rules and regulations, providing for the granting of licenses and permits to firms, corporations, master plumbers, and journeymen, authorizing them to carry on the business of plumbing or house drainage in said city; and said board of health, in connection herewith, shall appoint a board of examiners, to consist of three competent persons, who shall examine all applicants for license, and, if after proper examination made by such board of examiners, the firm, corporation, master plumber, or journeyman plumber making application for a license or permit, in accordance with such rules, shall be found competent, the same shall be certified to the board of health, which shall thereupon issue a license or permit to such firm, corporation, master plumber or journeyman plumber, which shall entitle him or them to carry on said business or work in said city; and a register of all such applicants and the certificates so issued shall be kept by said board of health, which said register shall be open to the inspection of all persons interested therein. An examination of any one member of a firm, or the proper officer of said corporation, or the superintendent or foreman to be in charge of said business for a firm or corporation, shall be deemed sufficient.

Examination

7. Said firm, corporation or master plumber, engaged or engaging in the business or work of plumbing or house drain-

8. Any firm, corporation, master plumber or journeyman plumber, violating the provisions of this act, or any of them, shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars, for each and every day he or they shall engage in and conduct said business without having said license or permit. Such fine shall be recoverable before any alderman or police magistrate in said cities by summary proceedings, and shall be sued for in the name of such cities, and when collected shall be paid into the treasury thereof.

23 May 1889.
Art. XI.

Penalty for
violation of
act.

How recover-
able.

9. The said board of health shall have power to create and maintain a complete and accurate system for the registration of all marriages, births and deaths which may occur within the city, and to compel obedience to the same upon the part of all physicians and other medical practitioners, clergymen, magistrates, undertakers, sextons and all other persons from whom information for such purposes may properly be required. The board shall make and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the mayor, shall have the force of ordinances of the city, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the city, in the same manner as penalties for the violation of city ordinances, subject to the like limitation as to the amount thereof.

Id. § 6.

Registration of
marriages,
births and
deaths.

General rules
and regula-
tions.

Penalties, etc.,
to be paid into
city treasury.

10. It shall be the duty of the board of health to submit annually to councils before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and councils shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestions relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in their official journal. It shall also be the duty of the board to communicate to the state board of health copies of all its reports and publications, together with such sanitary information as may from time to time be required by said state board.¹

Id. § 7.

Annual esti-
mates to be
submitted to
councils.

Appropri-
ations.

Annual re-
ports.

Copies to be
sent to state
board.

¹ See the Act of April 27, 1905, P. L. 312, creating a state department of health, and defining its powers and duties. The board is vested with full authority to enforce state sanitation measures, and to abate nuisances. By section 16, copies of its rules and regulations are to be communicated to local boards of

health, school boards and clerks of councils of cities and boroughs. The board appears to be clothed with all the powers conferred by law upon local boards of health, its relations toward which seem to be controlling. At all events, the rules of the local boards must conform to its requirements.

23 May 1889.
Art. XI.

Costs to be
lien.

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Licenses to
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Board of ex-
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Register to
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8. Any firm, corporation, master plumber or journeyman plumber, violating the provisions of this act, or any of them, shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars, for each and every day he or they shall engage in and conduct said business without having said license or permit. Such fine shall be recoverable before any alderman or police magistrate in said cities by summary proceedings, and shall be sued for in the name of such cities, and when collected shall be paid into the treasury thereof.

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Id. § 6.
Registration of
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General rules
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Id. § 7.
Annual esti-
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16 May 1891.

or boundaries ascertained by the ordinance and map shall be as therein fixed.¹

3 June 1893.
§ 1. P. L. 284.

Disputed
lines between
cities, etc.

2. The several courts of quarter sessions shall have authority within their respective counties to cause disputed lines and boundaries between two or more cities, boroughs or townships, cities and boroughs, townships and boroughs, or cities and townships to be ascertained and established.

Id. § 2.

Petition to
court of
quarter ses-
sions.

3. Upon application by petition to the court of quarter sessions for the purpose of ascertaining and establishing disputed lines or boundaries between two or more cities, boroughs or townships, cities and boroughs, townships and boroughs, or cities and townships, the court shall appoint three impartial men, one of whom shall be a competent surveyor, who, after having given notice as directed by court, shall view the said lines or boundaries; and it shall be the duty of the said commissioners so appointed, or any two of them, to make

Appointment
of viewers.

Plot or draft.

a plot or draft of the lines proposed to be ascertained and established, if the same cannot be fully designated by natural lines or boundaries; all of which they, or any two of them, shall report to the next court of quarter sessions, together with their opinion of the same, and at the term after that at which the report shall be made, the court shall take such order thereupon as to it shall be just and reasonable; *Provided*, That upon petition a review may be ordered by said court; *And provided further*, That an appeal may be taken from the decision of said commissioners of view or review, and the question of fact in dispute determined by a feigned issue to be framed by the court after the manner of framing feigned issues under existing laws, to be certified to the court of common pleas of the proper county.

Report.

Order of
court.

Review.

Appeal.

Feigned
issue.

Id. § 3.

Compensa-

4. The commissioners so appointed shall each receive three dollars per day, except the surveyor, who shall receive five

Bribery.

1. Soliciting or receiving bribes by councilmen. Penalty.

2. Bribery of councilmen. Penalty.

1. A member of councils who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, and upon conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by separate and solitary confinement at labor for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this commonwealth.

28 May 1880.
Art. IV., § 8.
P. L. 288.
Soliciting or
receiving bribes
by councilmen.

Penalty.

2. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any member of councils to influence him in the performance or non-performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as that offense is by law punishable.¹

Id. § 9.
Bribery of
councilmen.

Penalty.

¹ See the Act of April 29, 1874, P. L. 115, defining the offence of corrupt solicitation of members of assembly, state,

county, election, municipal or other public officers, and prescribing the punishment therefor.

Cities.

[See INCORPORATION.]

I. CONSTITUTIONAL PROVISIONS.

1. Incorporation of cities.
2. Appropriations for municipal debts.
3. Sinking fund.
4. Limitations upon local or special legislation.
5. Special municipal commissions prohibited.
6. Municipalities not to become stockholders in corporations, etc.

class, second class, third class.

8. Classification to be according to U. S. census. Transfer of city to higher class. Governor to issue certificate. Certificate to be recorded. When new officers to be elected. Reorganization of city government.

9. What cities to be included in third class.

10. Proceedings for acceptance of the act of 1874. Surrender of former charter. Expiration of terms of officers. Pending actions.

II. CLASSIFICATION OF CITIES.

7. Cities divided into three classes—first

I. Constitutional Provisions.

1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Const. 1874.
Art. XV., § 1.
Incorporation
of cities.

Const. 1874.
Art. XV., § 2.

Appropriations for municipal debts.
Id. § 8.

Sinking fund.
Id. Art. III, § 7.

Limitations upon local or special legislation.

2. No debt shall be contracted, or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

4. The general assembly shall not pass any local or special law * regulating the affairs of counties, cities, townships, wards, boroughs or school districts:¹ * * * * *

Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys: * * * * *

Incorporating cities, towns or villages, or changing their charters: * * * * *

Vacating roads, town plats, streets or alleys: * * * *

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts: * * * * *

Nor shall the general assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same, or give the relief asked for.

Id. § 20.

Special municipal commissions prohibited.

5. The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust, or otherwise, or to levy taxes or perform any municipal function whatever.

Id. Art. IX.,
§ 7.

6. The general assembly shall not authorize any county, city, borough, township or incorporated district to become a

9. The term "cities of the third class" shall include only:⁶

* See the Act of June 25, 1895, *supra*. As the latter is of later date, *quære* as to its effect upon the sub-classification of third-class cities fixed by the above section? Comp. *Lackawanna Township, Harris's App.*, 160 Pa. 494; *Liem's App.*, 9 Super. Ct. R. 569. Territorially, every city is to be "deemed and taken to form part of the county in which it is or may be situate, saving nevertheless to each city and to the citizens thereof all and singular the jurisdictions, powers, rights, liberties, privileges and immunities granted by the respective charters and by the laws of this commonwealth." Act April 15, 1834, § 2, P. L. 537.

23 May 1889.
Art. XIX.
§ 1. P. L. 332.

What cities to
be included in
third class.

First. All cities of the proper population which have been incorporated under the provisions of an act of assembly entitled: "An act dividing cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of the cities of the third class," approved the twenty-third day of May, one thousand eight hundred and seventy-four, or which may hereafter be incorporated under the provisions of this act;

Second. All cities of the proper population which have accepted the provisions of the said act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifty-seventh section thereof;

Third. All other cities of the proper population only from and after the date of their acceptance of the provisions of the said act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifth [fifty-seventh] section thereof.¹

23 May 1874.
§ 57, P. L. 269.

Proceedings for
acceptance of
the Act of 1874.

10. Any city of the third class, or any city of less population than ten thousand inhabitants, heretofore incorporated, may become subject to the provisions of this act, governing such cities of the third class to be hereafter incorporated, and the mayor and councils of such city may effect the same by an ordinance thereof, duly passed by a majority of the members elected to each branch thereof voting in favor of the same, and a certified copy of such ordinance, approved by the mayor and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the

certify the surrender of the former charter and the acceptance of the provisions of this act by such city; which certificate shall be recorded among the minutes of councils, and in the office for the recording of deeds in the proper county; and from the date of such certificate, the said city shall be governed, controlled and regulated by and under the provisions of the act; but all of the property and estates whatsoever of the said city shall be and remain severally and respectively vested in the said city unchanged, and as before the said surrender; and all of the elected officers therein shall hold their respective offices until the expiration of the term for which they were respectively elected,¹ and shall have all of the rights and powers which belong by law to them respectively, under the laws in existence at the date of the surrender as aforesaid; no such acceptance shall be construed to be a repeal or surrender of any rights, powers, privileges and franchises heretofore by law conferred on such city, not inconsistent with the provisions of this act. The mayor and councils, school directors or controllers and other officers of such city, shall continue to hold their respective offices until the Friday succeeding the third Tuesday of February next following the date of the expiration of their office as fixed by law before the said surrender of the former charter; but in any case in which a mayor, councils, school directors, controller or other officer shall have been elected, and not is or are yet in office, they shall hold their said office for the term for which they shall have been respectively elected, and their successors shall be elected under the provisions of this act, on the said last-named third Tuesday in February. All suits, prosecutions, debts, taxes and claims whatever belonging to the said city, shall be and remain of full force, and shall be sued for, recovered or collected under the provisions of law governing the said city prior to the surrender aforesaid, and all proceedings therefor commenced before such surrender, shall be proceeded in as though no change had been made; and all claims and demands of whatever nature against said city, existing prior to the said surrender, shall remain of full force and be collected as though no change had been made in the laws regulating and governing such city.²

23 May 1874.

Surrender of
former charter.

Expiration of
terms of
officers.

Pending
actions.

¹ See *Commonwealth v. Davis*, 22 Pa. C. C. R. 533; *Commonwealth v. Ricketts*, 196 Pa. 598.

² The constitutionality of this section was first denied by the supreme court:

Reading v. Savage, 120 Pa. 198 (1888), and subsequently, upon a rehearing, affirmed: *Reading v. Savage*, 124 Id. 328 (1889). See also *Commonwealth v. Reynolds*, 137 Pa. 389.

Constables.

[See LIQUORS—POLICE—RAILROADS.]

1. Election of constables. Vacancies.

2. State fee bill of constables.

4 May 1890.
§ 1. P. L. 83.

Election of
constables.

Vacancies.

17 Feb. 1890.
§ 1. P. L. 2.

1. The qualified electors of each ward in cities of the second and third classes shall, on the third Tuesday of February next, and triennially thereafter, elect a properly qualified person for constable in each of said wards, who shall serve for three years.¹ Whenever a constable shall be appointed by the court, as provided by existing laws, the constable so appointed shall serve for the unexpired term.

2. From and after the passage of this act the fees to be charged and received by constables in this commonwealth shall be as follows:

	Dolls.	Cts
State fee bill of constables. For executing a warrant on behalf of the commonwealth, for each defendant.....	1	00
For conveying defendants, except vagrants, to jail, on mittimus or warrant, for first defendant..	1	00
And for each additional defendant.....		50
And in addition thereto the actual cost of transportation of such defendant or defendants.		
For arresting persons guilty of a breach of the peace, riotous or disorderly conduct, drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens; or violating any ordinance of any borough for the violation of which a fine or penalty is imposed, or offending, or suspected		

CONSTABLES.

37

	Dolls.	Cts	
For executing bail piece.....	1	00	¹⁷ Feb. 1899.
For executing a search warrant and making return thereon	1	00	
For making returns to the court of quarter sessions ¹	1	50	
For serving summons notices on referees, suitor or tenant, either personally or by leaving a copy, for each person served.....		50	
For serving subpoena, for first witness.....		50	
And for each additional witness served.....		15	
For executing attachment, for each defendant and garnishee served		50	
For arresting on a capias, for each person arrested	1	00	
For taking bail on a capias, or for delivery of goods		50	
For notifying plaintiff, where defendant has been arrested on capias, to be paid by plaintiff....		25	
For serving capias execution.....	1	00	
For executing landlord's warrant.....		50	
For taking inventory of goods, each item.....		02	
For levying or distraining goods.....		50	
For selling goods levied or distrained, for each dollar not exceeding one hundred dollars.....		03	
And for each dollar in excess of one hundred dollars		02	
For receiving and paying over money paid after a levy without sale, on each dollar actually received and paid over by the constable to the creditor		02	
For advertising sale of goods levied or distrained.	1	00	
For copy of vendue paper, when demanded, each item		02	
For putting up notice of distress at mansion house or at any other place on the premises.....		25	
For serving scire facias, either personally or by leaving a copy, for each person served.....		50	
For executing order of removal of a pauper ²		75	
For serving executions.....		50	
For making return of nulla bona or non est inventus on any writ.....		25	
For executing writ of restitution.....	2	00	
For executing writ of possession.....	2	00	
For serving summons in landlord and tenant proceedings		50	
For taking inventory of goods on an execution, each item		02	

¹The fees and mileage allowed for making returns to the court, and for attending elections, are to be paid by the county. Act of April 6, 1899, P. L. 32. The Act of July 2, 1901, P. L. 606, provides for payment of fees to constables for these

services prior to the passage of the act in the text.

²The Act of May 2, 1901, P. L. 131, provides for the allowance of mileage at six cents per mile, and actual car fare for transportation of a pauper.

	Dolls.	Cts
17 Feb. 1899. For holding appraisement, where exemption is claimed by defendant.....	4	00
Out of which the constable shall pay to each appraiser	1	00
For attending general, special, township, ward or borough election	3	00
Which sum shall include pay for serving notices in writing to the persons elected at such special, township, ward or borough elections; <i>Provided</i> , That where any such election be held in any township, ward or borough in which there are more than one election district or precinct, and a deputy constable is appointed to attend elections held at each of such districts or precincts, said deputy constables shall each receive the sum of.....	3	00
For traveling expenses in the performance of any duty or service required by law, each mile going and returning.....		06
To be computed by the route usually traveled in going from points and places where said constable may reside, or where he receives any paper to be executed, to the points or places required to be traveled, whether that route be by highways, railroads or otherwise; <i>Provided</i> , That in no case shall more mileage be demanded or received than for the miles actually traveled.		
For services not herein specially provided for, the same fees may be charged and received as for similar services. ¹		

12. Principals of schools to exclude scholars unprovided with vaccination certificate.
13. Blanks to be furnished by health board. School register to exhibit names of children admitted or rejected.
14. Health authorities to furnish daily reports to schools of cases of contagious diseases. Contents of report. *Proviso.*
15. Infected persons or attendants not to enter public conveyances without notifying owner or driver. Conveyance to be disinfected.
16. Infected persons not publicly to expose themselves.

17. Infected bedding or clothing.
18. Infected premises not to be let without disinfection. Provision to apply to hotels and boarding houses.
19. Health authorities to adopt regulations for isolation of infected persons, fumigation, etc.
20. Who not to be members of health department.
21. Penalty for violation of provisions of act. Summary conviction. Appropriation of fines. Limitation of actions.

1. Every physician located or practicing in any of the municipalities of this commonwealth who shall know that any person whom he or she is called upon to visit, or who comes or is brought to him or her for examination, is suffering from, or is afflicted with cholera, small-pox (variola or varioloid), diphtheria, diphtheritic croup, membranous croup, scarlet fever, typhoid fever, typhus fever, yellow fever, epidemic cerebro-spinal fever, relapsing fever or leprosy, shall forthwith make report in writing, or upon blanks to be furnished for that purpose to the health authorities of the municipality in which said person may be located, which said report shall, over his or her own signature, state the name of the disease and the name, age, and sex of the person suffering therefrom, and shall also set forth by street and number, or otherwise sufficiently designate the house, room or other place in which said person may be located, together with such other information relating thereto as may be deemed important by said health authorities.

18 June 1895.
§ 1. P. L. 208.

Physicians to report cases of contagious or infectious diseases to health board.

Diseases which must be reported.

Contents of report.

2. Upon receipt by the health authorities of a report of the existence of a case of cholera, small-pox (variola or varioloid), scarlet fever, typhus fever, yellow fever, relapsing fever, diphtheria, diphtheritic croup, membranous croup or leprosy, in any of said municipalities, they may at once place or cause to be placed in a conspicuous place or places upon or near the house or premises in which said case may be located, a placard or placards, upon which shall be printed in large letters the name of the disease from which the person or persons in said house or premises may be suffering as aforesaid, as the case may be; *Provided*, That variola or varioloid shall be placarded as "small-pox," and that diphtheritic croup and membranous croup shall be placarded as "diphtheria," and said placard or placards shall remain thereon until such time as the rules and regulations established by the health authorities regarding the destruction or disinfection of infected bedding, clothing or other articles which have been exposed to infection, and the disinfection of houses and premises have been fully complied with; *Provided*, That in addition to the placarding aforesaid, or in lieu of the same, the said health authorities may place a guard or guards upon said house or premises.

Id. § 2.

Infected premises to be placarded.

How long placard to remain.

Guard may be placed on premises.

3. The head of the family occupying any house or premises upon or near which said placard or placards aforesaid may be

Id. § 3.

18 June 1896.

Head of family
to be respon-
sible for de-
facement or de-
struction of
placard.

placed shall be liable for the fine or penalty provided by this act in any case where such placard or placards are removed, defaced, covered up, taken down or destroyed, with his or her knowledge or consent, before the time provided by section two of this act.

Id. § 4.

Duties of un-
dertaker in
cases of death
from conta-
gious disease.

4. In the care and burial of the bodies of persons who have died of cholera, small-pox, yellow fever, typhus fever, scarlet fever, relapsing fever, diphtheria, diphtheritic croup, membranous croup or leprosy in any of the municipalities of this commonwealth, it shall be the duty of the undertaker, or other person or persons having the body in charge, to thoroughly disinfect and place every such body within the coffin or casket in which it is to be buried within six hours after being first called upon to take charge of the same; *Provided*, Said call is made between the hours of five ante meridian and eleven post meridian, otherwise such body shall be so placed in such coffin or casket within twelve hours, the coffin or casket then to be closed tightly and not again opened, unless permission be granted by the health authorities for special and satisfactory cause shown; *Provided*, That the health authorities in any municipality may adopt more stringent rules and regulations than are herein provided for the disinfection, preparation and burial of the bodies of persons who have died of any of the diseases named in this section, which rules and regulations they may from time to time alter or amend.

When body to
be placed in
coffin.

Coffin to be
tightly closed.

Health authori-
ties may adopt
more stringent
rules.

Id. § 5.

Bodies to be
buried within
thirty-six hours
unless by spe-
cial permission
of board.

5. The body of a person who has died of any of the diseases mentioned in section four of this act shall not remain unburied for a longer period of time than thirty-six hours after death, unless special permission be granted by the health authorities extending the time during which said body may remain unburied, for special and satisfactory cause shown. The

Who respon-
sible for viola-

head of the family and the person or persons having charge

public building shall be responsible for any violation of the provisions of this section. 15 June 1896.

8. No undertaker, or other person or persons having charge of the funeral or burial of the body of a person who has died of any of the diseases mentioned in section four of this act, shall in any case furnish or provide for such funeral more than the necessary number of conveyances for said adult relatives and pall-bearers, and all such conveyances which may have been used or occupied by any person or persons who have been residing in the same family or house, with the deceased, shall be fumigated and disinfected at such time and in such manner as may be directed and required by the health authorities.

Id. § 8.

Number of funeral conveyances limited.

Vehicles to be disinfected.

9. The body of a person who has died of any of the diseases mentioned in section four of this act, shall not be conveyed to or from any dwelling or other building or place, to any cemetery or other point or place within or through any of said municipalities except in a hearse or other vehicle used for the purpose of conveying corpses only, or in such vehicle as shall be satisfactory to the health authorities and under such regulations as they may in any case adopt. The undertaker and the person or persons having charge of the funeral or transportation of such body shall be responsible for any violation of the provisions of this section.

Id. § 9.

Body to be conveyed in hearse, etc.

Who responsible for violation of this provision.

10. Upon the removal to hospital or other place, or upon the discharge by recovery or death, of any person or persons who have suffered from any of the diseases mentioned in section four of this act, the premises where the said disease existed shall be fumigated and disinfected, and the bedding, clothing and other infected articles destroyed or disinfected, at such time and in such manner as may be authorized and required by the health authorities. The head of the family, or the person or persons having charge of the premises shall be responsible for any violation of the provisions of this section.

Id. § 10.

Bedding, clothing, etc., to be disinfected or destroyed.

Who responsible for violation of this provision.

11. No child or other person belonging to or residing with the family of any person, or residing in the same house in which any person may be located who is suffering from cholera, small-pox (variola or varioloid), scarlet fever, typhus fever, yellow fever, relapsing fever, diphtheria, diphtheritic croup, membranous croup or leprosy shall be permitted to attend any public, private, parochial, Sunday or other school in said municipalities, and all school principals, Sunday-school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such children and persons from said schools, such exclusion to continue for a period of thirty days following the discharge by recovery or death of the person last afflicted in said house or family, or his or her removal to hospital, and the thorough disinfection of the premises; and all such children or other persons as aforesaid before being permitted to attend or re-

Id. § 11.

Children residing in infected family not to attend schools.

Period of exclusion.

18 June 1895.

Certificate by
medical at-
tendant.

Proviso.

Id. § 12.

Principals of
schools to ex-
clude scholars
unprovided
with vaccina-
tion certificate.

Id. § 13.

Blanks to be
furnished by
health board.School register
to exhibit
names of chil-
dren admitted
or rejected.

Id. § 14.

Health authori-
ties to furnish
daily reports
to schools of
cases of conta-
gious diseases.

Contents of

turn to school, shall furnish to said principal or other person in charge of said schools a certificate signed by the medical attendant of said children or persons, or by a physician to be designated by the health authorities of said municipalities, setting forth that the thirty days mentioned in this section have fully expired; *Provided, however,* That the health authorities may by rule or regulation provide that such certificates shall only be given by a person to be designated by said authorities, and in such case no other certificate shall be recognized.

12. All principals or other persons in charge of schools as aforesaid are hereby required to refuse the admission of any child to the schools under their charge or supervision except upon a certificate signed by a physician, setting forth that such child has been successfully vaccinated, or that it has previously had small-pox.¹

13. The health authorities of said municipalities shall furnish to principals or other persons in charge of said schools, and to physicians, the necessary certificates or blanks for the uses and purposes as set forth and required in sections one, eleven and twelve of this act. The registry of said school shall exhibit the names and residences of all children or persons admitted or rejected for reasons set forth in this act, and said registry shall be open at all times to the inspection of the health authorities.

14. It shall be the duty of the health authorities in the several municipalities as aforesaid to furnish daily, by mail or otherwise, to principals or other persons in charge of said schools, a printed or written bulletin containing the name, location and disease of all persons suffering from cholera, small-pox (variola or varioloid), scarlet fever, typhus fever, yellow fever, relapsing fever, diphtheria, diphtheritic croup,

public conveyance, or permit any one in his or her charge, ^{18 June 1896.} who is so suffering, to enter such vehicle, without previously ^{Infected persons or attendants not to enter public conveyances without notifying owner or driver.} notifying the owner or driver thereof that he or the person in his charge is so suffering, and the owner or driver of such vehicle shall immediately provide for the disinfection of such conveyance after it has, with the knowledge of such owner or driver, conveyed any such sufferer, under the direction of the ^{Conveyance to be disinfected.} health authorities.

16. No person suffering from any of the diseases named in ^{Id. § 16.} section four of this act shall willfully expose himself or herself in any street or public place, or public conveyance, nor shall any person in charge of one so suffering thus expose the ^{Infected persons not publicly to expose themselves.} sufferer.

17. No person shall, without previous disinfection, give, ^{Id. § 17.} lend, sell, transmit or expose any bedding, clothing, rags or ^{Infected bedding or clothing.} other articles which have been exposed to infection; *Provided*, That such restriction shall not apply to the transmission of articles, with proper precautions, for the purpose of having the same disinfected.

18. No person shall knowingly let any room, house or part ^{Id. § 18.} of a house, in which there has been a person suffering from ^{Infected premises not to be let without disinfection.} any of the diseases mentioned in section four of this act, without having such room, house or part of a house, and all articles therein liable to infection, previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, ^{Provision to apply to hotels and boarding houses.} boarding house or apartment house shall be deemed as letting a part of a house to any person who shall be admitted as a guest into such hotel, boarding house or apartment house.

19. The health authorities of the several municipalities of ^{Id. § 19.} this commonwealth shall, and they are hereby authorized and ^{Health authorities to adopt regulations for isolation of infected persons, fumigation, etc.} empowered, to establish rules and regulations regarding the isolation of persons who may be suffering from any of the diseases mentioned in section four of this act, and for the destruction, disinfection and fumigation of bedding, clothing or other infected articles, and for the disinfection and fumigation of houses and premises, and for the carrying out of the provisions of this act, as they may in good faith declare the public safety and health demand, which rules and regulations they may from time to time alter or amend.

20. No justice of the peace or other officer, excepting election officers, shall at the same time be a member of the board ^{Id. § 20.} of health of such municipality, or hold any office or appointment under the same. ^{Who not to be members of health department.}

21. Any physician, undertaker, principal of a school, superintendent of a Sunday-school, sexton, janitor, head of a ^{Id. § 21.} family, or any other person or persons named in this act, who ^{Penalty for violation of provisions of act.} shall fail, neglect or refuse to comply with, or who shall violate any of the provisions or requirements of this act, shall for every such offense, upon conviction thereof before any mayor, ^{Summary conviction.} burgess, alderman, police magistrate or justice of the peace

18 June 1895.

Appropriation
of fines.Limitation of
actions.

of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the treasury of said municipality, and in default of payment thereof such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days; *Provided, however,* That all actions for the recovery of any fine or penalty for the violation of any of the provisions of this act shall be commenced within sixty days from the commission of the offense, and not afterwards.¹

¹ The section amended by the addition of the proviso by the Act of April 22, 1903, P. L. 244.

Other acts germane to the subject of the disposition of human bodies which may be cited are those of June 8, 1891, P. L. 212, with relation to the cremation of human bodies, and June 7, 1895, P. L. 167, creating a state board of undertak-

ers and providing for the registration and licensing of undertakers in cities of the first, second and third classes (amended by the Act of April 24, 1905, P. L. 299), for a construction of which statute see *Undertakers' Licenses*, 17 Pa. C. C. R. 103; 4 Dist. R. 701, and *Commonwealth v. Hanley*, 15 Super. Ct. R. 271.

Contracts.

1. Supplies to be furnished by contract to be let to lowest responsible bidder. Contingent fund for incidental expenses.

2. City officers not to be parties to contracts creating liability by city. Illegal contract to be void.

3. Eight hours to constitute day's labor on public works.

4. To whom act to apply. Aliens not to be employed on public work unless upon declaration of intention to become citizens. Existing contracts not to be affected.

5. Officers or agents violating or evading act to be removed.

6. Non-compliance with act by officers, agents, etc., to be misdemeanor. Penalty.

23 May 1889.
Art. IV., § 6.
P. L. 283.

Supplies to be
furnished by
contract to be
let to lowest
responsible
bidder.

1. All stationery, paper and fuel used in the councils and in other departments of the city government, and all work and materials required by the city shall be furnished, and the printing, advertising and all other kinds of work to be done for the city, except ordinary repairs of highways, sewers and other public improvements, shall be performed under con-

certify the surrender of the former charter and the acceptance of the provisions of this act by such city; which certificate shall be recorded among the minutes of councils, and in the office for the recording of deeds in the proper county; and from the date of such certificate, the said city shall be governed, controlled and regulated by and under the provisions of the act; but all of the property and estates whatsoever of the said city shall be and remain severally and respectively vested in the said city unchanged, and as before the said surrender; and all of the elected officers therein shall hold their respective offices until the expiration of the term for which they were respectively elected,¹ and shall have all of the rights and powers which belong by law to them respectively, under the laws in existence at the date of the surrender as aforesaid; no such acceptance shall be construed to be a repeal or surrender of any rights, powers, privileges and franchises heretofore by law conferred on such city, not inconsistent with the provisions of this act. The mayor and councils, school directors or controllers and other officers of such city, shall continue to hold their respective offices until the Friday succeeding the third Tuesday of February next following the date of the expiration of their office as fixed by law before the said surrender of the former charter; but in any case in which a mayor, councils, school directors, controller or other officer shall have been elected, and not is or are yet in office, they shall hold their said office for the term for which they shall have been respectively elected, and their successors shall be elected under the provisions of this act, on the said last-named third Tuesday in February. All suits, prosecutions, debts, taxes and claims whatever belonging to the said city, shall be and remain of full force, and shall be sued for, recovered or collected under the provisions of law governing the said city prior to the surrender aforesaid, and all proceedings therefor commenced before such surrender, shall be proceeded in as though no change had been made; and all claims and demands of whatever nature against said city, existing prior to the said surrender, shall remain of full force and be collected as though no change had been made in the laws regulating and governing such city.²

23 May 1874.
Surrender of
former charter.

Expiration of
terms of
officers.

Pending
actions.

¹ See *Commonwealth v. Davis*, 22 Pa. C. C. R. 533; *Commonwealth v. Ricketts*, 196 Pa. 598.

² The constitutionality of this section was first denied by the supreme court:

Reading v. Savage, 120 Pa. 198 (1888), and subsequently, upon a rehearing, affirmed: *Reading v. Savage*, 124 Id. 328 (1889). See also *Commonwealth v. Reynolds*, 137 Pa. 389.

28 July 1897. shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one thousand dollars.¹

¹ See the Acts of June 7, 1897, P. L. 135, requiring the retention of taxes of aliens from their wages by employers, upon notice, and June 15, 1897, P. L. 166, levying a tax of three cents per day upon employers of aliens, and prescribing the

manner of its collection. The latter was declared unconstitutional in *Limestone Co. v. Fagley*, 187 Pa. 193, and by the Act of May 21, 1901, P. L. 265, the taxes collected thereunder were directed to be refunded.

Controller.

1. Election of city controller. Qualifications. Term. To superintend fiscal concerns. To audit and settle accounts. To administer oaths.

2. Books of accounts to be kept, and what same to contain.

3. Supervision of accounts of all fiscal departments. Reporting of irregularities. Auditing of accounts.

4. Countersigning of warrants. When incomplete appropriation exhausted, fact to be reported to councils. What evidence to be produced to controller in countersigning warrants.

5. Contracts to designate item of appro-

priation and be certified. Liability of controller for certifying contract in excess of appropriation. Proviso.

6. Payments to be made on appropriation and warrant. Creation of debt by municipal department.

7. Controller to suggest plans for management of finances. Annual report. Items of report. Estimate of receipts and expenditures.

8. Vacancy, how filled. Term of successor. Bond. Salary.

9. Controllers may appoint probate clerks. Clerks to administer oaths.

23 May 1889.
Art. IX., § 1.
P. L. 302.

Election of city
controller.
Qualifications.
Term.

To superintend
fiscal concerns

To audit and
settle accounts.

1. The qualified electors of each of said cities of the third class shall elect, at the municipal election, a city controller, who shall possess the qualifications herein prescribed for the city treasurer, and shall serve for the term of three years, and until his successor is duly elected and qualified. He shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by the laws of this state and the ordinances and resolutions of the city councils in accordance therewith. He shall examine, audit and settle all accounts whatsoever in which the city is concerned, either as

3. He shall have the supervision and control of the accounts of all departments,¹ bureaus and officers of the city² who shall collect, receive or disburse the public moneys, or who are charged with the management or custody thereof; shall audit their respective accounts, and may at any time require from any or all of them a statement in writing of any and all moneys or property of the city in their hands, or under their control; and he shall, immediately upon the discovery of any default, irregularity or delinquency report the same to the city councils. He shall likewise audit and report upon the accounts of any such officer upon the death, resignation, removal or expiration of the term of the said officer.

23 May 1889.
Art. IX., § 3.
Supervision of
accounts of all
fiscal depart-
ments.

Reporting of
irregularities.

Auditing of
accounts.

4. He shall countersign all warrants upon the city treasurer,³ the form whereof shall be prescribed by councils, and shall not suffer any appropriation made by the city councils to be overdrawn; but no warrant shall be countersigned unless there is money in the treasury to pay the same. In every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report the fact to the city councils, and accompany such report with a statement of the moneys which have been drawn on such appropriation, and the particular purpose for which they were drawn. Whenever a warrant on the treasurer shall be presented to him to be countersigned, the person presenting the same shall, if the controller require, produce evidence:

Id. § 4.
Countersigning
of warrants.

When incom-
plete appro-
priation ex-
hausted, fact
to be reported
to councils.

(1) That the amount expressed in the warrant is due to the person in whose favor it is drawn.

What evidence
to be produced
to controller in
countersigning
warrants.

(2) That the supplies or the services for payment of which the warrant is drawn have been furnished or performed according to law and the terms of the contract.

5. Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item, and so certified by the controller on the contract before it shall take effect as a contract, and the payments required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made

Id. § 5.
Contracts to
designate item
of appropriation
and be
certified.

¹The controller cannot interfere with the discretion of other municipal departments; his authority as to such departments extends only to seeing that they do not exceed their appropriations, or apply them to purposes not within their proper scope. *Commonwealth v. Philadelphia*, 38 W. N. C. 426.

²The city controller has jurisdiction over the accounts of the school district. *Commonwealth v. Hitchens*, 18 Super. Ct. R. 349; 200 Pa. 508.

³The law is well settled that the controller is vested with certain judicial and discretionary powers, in the exercise of which, within the scope of his authority, he cannot be constrained by a writ of mandamus or otherwise. See *Runkle v.*

Commonwealth, 97 Pa. 328; *Dechert v. Commonwealth*, 113 Id. 229. But in the performance of mere ministerial duties he may be compelled to act, and the process of the court may be invoked to set him in motion. *Dechert v. Commonwealth*, *supra*; *Commonwealth v. George*, 148 Pa. 463; *Commonwealth v. Philadelphia*, 176 Id. 588. *Flick v. Harpham*, 3 Dist. R. 568; 13 Pa. C. C. R. 648. Where he refuses to approve a warrant he must assign his reasons. Such refusal cannot prejudice a just claim against the city, which may thereupon be sued for in the courts, by which the controller's objections are then reviewable. *Philadelphia v. Bickley*, 18 W. N. C. 53.

23 May 1892.
Art. IX.

Liability of
controller for
certifying con-
tract in excess
of appropria-
tion.

Proviso.

therefor, the city shall not be liable for such excess, but the controller and his sureties shall be liable for the same, which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the controller to certify contracts for the payment of which sufficient appropriations have been made;¹ *Provided, however,* That this section shall not apply to contracts for public improvements heretofore or hereafter made, the cost of which has been or shall be assessed in whole or in part upon the properties abutting or benefited, except as to that part of such improvements directed to be paid out of an appropriation from the city treasury.²

23 May 1892.
Art. IV., § 7.
P. L. 283.

Payments to be
made on appro-
priation and
warrant.

6. No money shall be paid out of the city treasury except upon appropriations made according to law, and on warrant³ drawn by the proper officer in pursuance thereof, and no municipal department shall create any debt or make any contract except in pursuance of previous authority of law or ordinance.⁴

23 May 1892.
Art. IX.
§ 6. P. L. 304.

Controller to
suggest plans
for manage-
ment of
finances.

Annual report.

Items of report

7. The city controller shall, from time to time, and as often as he may deem expedient, or the city councils shall direct, suggest plans to the councils for the management and improvement of the city finances; and he shall make a report, verified by oath or affirmation, to the city councils at the first stated meeting in May in each year, of the public accounts of the city, and of the trusts in its care, exhibiting all the expenditures thereof, respectively, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed; each account to be accompanied by a statement in detail of the several appropriations made by councils, the amount drawn on each appropriation, and the balance outstanding to the debit or credit of such appropriations at the close of the fiscal year, which report shall be published in pamphlet form. He shall also at the first stated

as a basis for fixing the levy and tax rate for the next fiscal year.¹

8. Any vacancy in the office of city controller shall be filled by the vote of a majority of the members elected to councils, in joint convention, and the person so chosen to fill the same shall serve until the first Monday of April succeeding the municipal election occurring at least one month after the happening of such vacancy, at which election a successor shall be elected for the unexpired term.² The city controller shall give a lawful bond to the city, with two or more sufficient sureties, to be approved by councils, in such sum as they may by ordinance direct, conditioned for the faithful discharge of his official duties, and shall receive a fixed annual salary, to be provided by ordinance.

9. Controllers of the several cities of this commonwealth shall be and are hereby authorized to appoint, from among their employes, one person to be probate clerk, who shall have power to administer oaths or affirmations in all matters relating to accounts against said city.

¹The section amended as above by Act of May 16, 1861, § 25, P. L. 242.

²This provision supplies that of the

Act of May 8, 1876, P. L. 180, relative to filling vacancies in the office.

²³ May 1880.
Art. IX.

Id. § 7.

Vacancy, how filled.

Term of successor.

Bond.

Salary.

¹⁵ June 1897.
§ 1. P. L. 159.

Controllers may appoint probate clerks. Clerks to administer oaths.

Corporate Powers.

1. Reservation of corporate powers.
2. Corporate powers of cities of third class. How exercised.
3. Enumeration of additional corporate powers.
4. Power of taxation.
5. Additional power of taxation.
6. Poll tax.
7. License taxes on various businesses.
8. Power to borrow money. Increase of indebtedness. Limitation of debt.
9. Funding of indebtedness. When bonds to be payable. Rate of interest. Sale of bonds.
10. Sinking fund.
11. Laying out, opening, etc., of streets, alleys, etc. Vacation of same. Sidewalks, bridges and culverts. Cost, how provided for. How ordinance to be passed.
12. Construction of sewers.
13. Grading, paving, macadamizing and curbing of streets. How payment therefor to be provided. Assessments by foot front rule or according to benefits. Equitable reduction of frontage. Appointment of viewers. Majority in number or interest to petition. Unless councils pass ordinance by three-fourths vote. Publication to be made in certain cases. Mode of publication. Provision. Passage of ordinance to be conclusive evidence. Notice to be published prior to passage of ordinance. Assessments according to benefits.
14. Paving, curbing and repair of sidewalks. Upon failure of owners to comply with notice, work to be performed by city and cost thereof levied.
15. Debts and expenses of city.
16. Creation of offices and boards. Regulation of powers, duties and compensation of officers and boards. No salary to be increased or diminished. How boards or departments to be chosen. Provisions not to apply to water boards in certain cases.
17. Security from officers.
18. Removal of officers.
19. Removal of obstructions from side-

- walks and streets. Planting of shade trees. Basements and excavations.
20. Regulation of porches, bay-windows, etc. Boxes, bales, etc., on sidewalks.
21. Railroad bridges and crossings. Safety gates and flagmen. Regulation of speed of trains.
22. Night watch and police.
23. Fines and penalties. Imprisonment or labor on streets.
24. Lock-ups and watch-houses. Limit of detention therein.
25. Hospitals, prisons, work-houses and houses of correction. Erection of public buildings. Appropriation of lands therefor. Lands for poor farm. Assessment of damages for property taken.
26. Police regulations at squares, parks, depots, etc. Arrest of professional thieves.
27. Rewards for arrest of offenders.
28. License tax from theatres, circuses and public exhibitions. Restraint of immoral exhibitions.
29. Bathing in rivers adjoining city.
30. Coach and cab stands. Rate of charges for transportation.
31. Suppression of tippling shops, houses of prostitution, gaming, Sabbath desecration, etc.
32. Prevention of riots and disorderly assemblies. Discharge of fire-arms, fireworks, etc. Carrying of concealed deadly weapons. Fast driving and dangerous amusements. Driving upon sidewalks.
33. Purchase and erection of market-houses and market-places. Market regulations. Market licenses.
34. Inspection and weighing of hay, grain, coal, etc. Designation of places for selling hay, coal and wood. Regulation of weights and measures.
35. Levees and ferries. Wharves and wharf lines. Improvement of channels.
36. Water courses, wells, cisterns, etc. Removal of encroachments upon streams.
37. Purchase of lands for public parks, and taxation therefor. Park regulations.

38. Pens, pounds, etc. Impounding of estrays. Taxation and destruction of dogs.

39. Public health and removal of nuisances.

40. Quarantine regulations.

41. Purchase of fire apparatus. Regulation of fire department. Election of officers thereof.

42. Inspection of chimneys, boilers, etc. Transportation and storage of explosives.

43. Inspection of buildings. Appointment of building inspectors. Fixing of fire limits.

44. Lighting of streets and numbering of houses.

45. Exclusive right to supply gas or other

light. Contracts for supply of light. Limitation of contract.

46. Exclusive right to supply water. Maintenance of water works. Contracts for water supply. Limitation of contract.

47. Foundations and party walls. How party wall to be laid. First builder to be reimbursed.

48. Partition fences. How fences to be constructed.

49. Ordinances, etc., for good government and welfare of city. Penalties for violation of ordinances. Limitation. Imprisonment in default of payment.

23 May 1889.
Art. V., § 1.
P. L. 286.

Reservation of
corporate
powers.

Id. § 2.

Corporate
powers of cities
of third class.

1. The corporate powers, and the number, character, powers and duties of the officers of cities of the third class now in existence by virtue of the laws of this commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act.

2. Every city of the third class within this commonwealth is hereby declared to be a body corporate and politic, and shall have perpetual succession, and shall have power

I. To sue and be sued.¹

II. To purchase and hold real and personal property for the use of the city.²

III. To lease, and to sell and convey any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

IV. To make all contracts,³ and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers.

V. To have and use a corporate seal, and alter the same at pleasure; and every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its original incorporation.

How exercised. The powers hereby granted shall be exercised by the mayor

authorized and empowered to enact ordinances¹ for the following purposes, in addition to the other powers granted by this act:

^{23 May 1889.}
Art. V.
Enumeration of
additional cor-
porate powers.

4. I. To levy and collect taxes for general revenue purposes, not to exceed ten mills on the dollar in any one year, on all persons, real, personal and mixed property within the limits of said city² taxable according to the laws of the state of Pennsylvania for county purposes,³ the valuation of such property to be assessed as hereinafter provided.⁴

Power of
taxation.

5. II. To provide for the assessment and collection of taxes in addition to the above, not exceeding one per centum on the dollar upon the assessed valuation in any one year, on all persons, real and personal property, and all other matters and things within said city taxable for county purposes, for the payment of interest on bonded indebtedness, and for the payment of loans to support the government⁵ and to make the necessary improvements in said city.

Additional
power of
taxation.

6. III. To impose a poll tax for general revenue purposes, not exceeding one dollar annually, on all male inhabitants above the age of twenty-one years.

Poll tax.

7. IV. To levy and collect a license tax⁶ not exceeding one

License taxes
on various
businesses.

¹ Where it is prescribed that certain powers shall be exercised by ordinance, that method must be followed. *Fuller v. Scranton*, 18 W. N. C. 18. An ordinance is the proper form for city legislation of a permanent character, whilst an order or resolution is appropriate for such acts of councils as are temporary or ministerial only in their design. *Shaub v. Lancaster*, 156 Pa. 362. *Chester City v. Eyre*, 181 Id. 642. A resolution which is intended to have the force of an ordinance must be passed with the same formalities. *Kepner v. Commonwealth*, 40 Pa. 124; *Waln v. Philadelphia*, 99 Id. 330; *Borough of Verona's App.*, 108 Id. 83; *Howard v. Borough of Olyphant*, 181 Id. 191; *Scranton Street, Lebanon City*, 5 Dist. R. 591. See also *Commonwealth v. Diamond Nat'l B'k*, 9 Super. Ct. R. 118; *Central Valley R. R. v. Pittston*, 13 Dist. R. 675. No number of violations of an ordinance by a municipal officer will nullify it or establish a custom or usage which the law will recognize as of any validity. *Boyle v. Hazleton Borough*, 171 Pa. 167. Nor can the provisions of an ordinance be abrogated by the declarations of any of the committees of councils. *Chester City v. Eyre*, *supra*. Where a later ordinance creates a condition to which an earlier general ordinance becomes applicable, the two are in *pari materia* and are to be construed together. *Erie v. Griswold*, 5 Super. Ct. R. 132; 184 Pa. 435; see also *Erie v. Carey*, 12 Super. Ct. R. 584. The repeal of an ordinance under which private parties have acquired vested rights cannot oper-

ate to impair the contract obligations. *Same Case*, 184 Pa. 435.

² Obviously, the taxing power of a municipal corporation does not extend beyond its geographical boundaries. *Gilchrist's App.*, 109 Pa. 600.

³ Under this authority cities may tax occupations. A tax of a sum certain may be imposed upon all occupations or different occupations may be classified, and a uniform occupation tax imposed upon each class. But such a tax based upon the amount earned by each individual in his occupation is unconstitutional, being in violation of Art. IX., § 1, requiring all taxes to be uniform upon the same class of subjects. *Banger's App.*, 109 Pa. 79.

⁴ See title "Assessments," *ante*.

⁵ See *Scranton v. Rail Road Co.*, 2 C. P. Rep. 1, 29.

⁶ Such a tax may be lawfully imposed upon a specific business which has already paid a license to the state under existing laws; it must, however, be uniform upon the same class of business throughout the city. *Hadtner v. Williamsport*, 15 W. N. C. 138; *Allentown v. Gross*, 132 Pa. 319; *Comp. Altoona v. Stehle*, 8 Dist. R. 25. But, it seems, that under this clause councils may, in their discretion, classify merchants or others according to their gross sales, and graduate the tax according to such sales. *Williamsport v. Wenner*, 172 Pa. 173; *Commonwealth v. Clark*, 10 Super. Ct. R. 507; 195 Pa. 634. And it is not necessary that the tax be imposed upon all the businesses above enumerated. *Williamsport v. Wenner*, *supra*.

23 May 1889.
Art. V.

hundred dollars each annually, on all auctioneers, contractors, druggists, hawkers, peddlers,¹ produce or merchandise vendors,² bankers,³ brokers,⁴ pawnbrokers, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers,⁵ restaurants, bowling alleys, billiard tables and other gaming tables, drays, hacks, carriages, omnibuses, carts, wagons, street railway cars, and other vehicles used in the city for hire or pay,⁶ lumber dealers, including commission men and all persons who make a business of buying lumber for sale at wholesale or retail, furniture dealers, saddle or harness dealers, stationers, jewelers, livery or boarding stable keepers, real estate agents, agents of fire, life or other insurance companies,⁷ market house companies, express companies or agencies, telegraph,⁸ telephone,

¹ A municipal ordinance prohibiting peddling in the city limits without a city license is a valid exercise of the police power. *Titusville v. Brennan*, 143 Pa. 642; *Warren Borough v. Geer*, 117 Id. 207; *Brownback v. North Wales Borough*, 7 Dist. R. 324; 10 Super. Ct. R. 227; 194 Pa. 609; *New Castle v. Outler*, 15 Super. Ct. R. 612; *Mechanicsburg Borough v. Koons*, 18 Id. 131. But it must be directed against the business and not against a class of persons engaged in the business; otherwise it is a trade regulation and invalid. *Sayre Borough v. Phillips*, 148 Pa. 482; *Shamokin v. Flannigan*, 156 Id. 43. See also *Wilcox v. Knoxville Borough*, 2 Dist. R. 721; *Commonwealth v. Wormser*, 7 Id. 318; *Commonwealth v. Hepner*, 22 Pa. C. C. R. 630. As to the definition of hawker and peddler, see *Commonwealth v. Gardner*, 133 Pa. 284; *Commonwealth v. Edson*, 2 Pa. C. C. R. 377; *Easton v. Kemmerer*, 3 Dist. R. 220; *Lancaster v. Reese*, 14 Id. 447; *Commonwealth v. Hunsicker*, Id. 544.

Dist. R. 532, and see *Harrisburg v. Harris*, 2 Dauph. Co. R. 334.

⁶ A local license tax by a municipality on hacks, carriages for hire, etc., is constitutional. *Washington Borough v. McGeorge*, 146 Pa. 248; *Kittanning Borough v. Montgomery*, 5 Super. Ct. R. 196. A tax of one dollar per year on each bicycle owned by a resident held unconstitutional. *Densmore v. Erie*, 7 Dist. R. 355. Under this clause a city has no authority to impose a license tax upon the delivery wagon of a non-resident milkman. *Reading v. Bitting*, 167 Pa. 21. As to license tax upon street railway cars, see *North Braddock Borough v. Traction Co.*, 8 Super. Ct. R. 233; *Erie v. Erie Electric Motor Co.*, 24 Id. 77.

⁷ The similar provision of the Act of May 24, 1887, held to repeal that of the Act of April 4, 1873, prohibiting municipalities from imposing a license tax on insurance companies. *Aetna Ins. Co. v. Reading*, 119 Pa. 417.

⁸ As to right to impose reasonable license tax on telegraph, telephone or electric light poles, see *Glanton v. Western*.

steam heating,¹ gas, natural gas, water, electric light or power²³ May 1889.
companies or agencies, or individuals furnishing communica-
tion, light, heat or power by any of the means enumerated,
and to regulate the collection of the same.² Art. V.

8. V. To borrow money on the credit of the city, and to^{Power to bor-}
pledge the credit and revenue thereof for the payment of the^{row money.}
same to an amount not exceeding two per centum upon the as-
sessed value of the taxable property in said city, and, with the
consent of the people of the said city, obtained at an election
held under the provisions of the constitution and the general
laws of this commonwealth, to increase the indebtedness of
such city to an amount not exceeding in the aggregate seven^{Increase of in-}
per centum upon the assessed valuation of the taxable prop-^{debtedness.}
erty therein. ^{Limitation of}
debt.

9. VI. To provide for the issuing of bonds, and for the ap-^{Funding of in-}
plication of bonds already issued by cities hereafter incorpo-^{debtedness.}
rated, for the purpose of funding any and all indebtedness
now existing, or hereafter created, of the city, now due, or to
become due; *Provided*, That said bonds shall be payable in³ When bonds to
not less than five years, and not more than thirty years, from
the date of their issue, and that the same shall bear interest^{Rate of in-}
at a rate not exceeding six per centum per annum,⁴ with in-^{terest.}
terest coupons attached,⁵ payable annually or semi-annually,⁶
and the said bonds shall not be sold or exchanged for less than^{Sale of bonds.}
their par value.⁷

10. VII. To make provision for a sinking fund⁸ to pay at^{Sinking fund.}
maturity the bonded indebtedness of the city, and to levy and
collect taxes on all the taxable property in the city, in addition
to all other taxes, for the purpose of paying the same, under
and subject to the limitations and requirements of this act,
and of the constitution and laws of this commonwealth.⁹

11. VIII. To lay out, open, widen,¹⁰ straighten, alter, ex-^{Laying out,}
tend, improve, establish or re-establish grades of, and keep in^{of streets,}
of streets,
alleys, etc.

¹ See *Reading v. Steam Heat and Power Co.*, 20 Pa. C. C. R. 411.

² The clause amended as above (striking out the words in the first line, "for general revenue purposes") by Act of May 16, 1901, § 6, P. L. 228.

³ For construction of the term of payment of a bond payable "in" a certain number of years, see *Allentown School District v. Derr*, 115 Pa. 439.

⁴ A city has power to assume the payment of the state tax on its own bonds. *Fidelity Trust, etc., Company v. Scranton*, 102 Pa. 387.

⁵ The payment of overdue coupons by the treasurer may be compelled by mandamus, although the money in his hands may have been appropriated by councils to other uses, provided the money thus withdrawn from the treasury is not abso-

lutely needed for the ordinary expenses of the city. *Williamsport v. Commonwealth*, 90 Pa. 498.

⁶ The interest on municipal bonds is apportionable. *Wilson's App.*, 108 Pa. 344.

⁷ This does not warrant the allowance of a commission to the purchaser of the bonds from the city at par. Such an arrangement is virtually a sale at less than par. Compensation paid to an agent for his services in effecting a sale of the bonds at or above par is not unlawful. *Whelen's App.*, 108 Pa. 162.

⁸ See title "Sinking Fund," *post*.

⁹ See, as to the application of such taxes, *Wilkesbarre's App.*, 116 Pa. 246.

¹⁰ As to the measure of damages for widening a street, see *Larkin v. Scranton*, 162 Pa. 289.

18 June 1895.

Appropriation
of fines.Limitation of
actions.

of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the treasury of said municipality, and in default of payment thereof such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days; *Provided, however,* That all actions for the recovery of any fine or penalty for the violation of any of the provisions of this act shall be commenced within sixty days from the commission of the offense, and not afterwards.¹

¹ The section amended by the addition of the proviso by the Act of April 22, 1903, P. L. 244.

Other acts germane to the subject of the disposition of human bodies which may be cited are those of June 8, 1891, P. L. 212, with relation to the cremation of human bodies, and June 7, 1895, P. L. 167, creating a state board of undertak-

ers and providing for the registration and licensing of undertakers in cities of the first, second and third classes (amended by the Act of April 24, 1905, P. L. 299), for a construction of which statute see *Undertakers' Licenses*, 17 Pa. O. C. R. 103; 4 Dist. R. 701, and *Commonwealth v. Hanley*, 15 Super. Ct. R. 271.

Contracts.

1. Supplies to be furnished by contract to be let to lowest responsible bidder. Contingent fund for incidental expenses.

2. City officers not to be parties to contracts creating liability by city. Illegal contract to be void.

3. Eight hours to constitute day's labor on public works.

4. To whom act to apply. Aliens not to be employed on public work unless upon declaration of intention to become citizens. Existing contracts not to be affected.

5. Officers or agents violating or evading act to be removed.

6. Non-compliance with act by officers, agents, etc., to be misdemeanor. Penalty.

23 May 1889.
Art. IV., § 6.
P. L. 283.

Supplies to be furnished by contract to be let to lowest responsible bidder.

1. All stationery, paper and fuel used in the councils and in other departments of the city government, and all work and materials required by the city shall be furnished, and the printing, advertising and all other kinds of work to be done for the city, except ordinary repairs of highways, sewers and other public improvements, shall be performed under contract, to be given to the lowest responsible bidder,¹ under such

regulations as shall be prescribed by ordinance, and all sales of personal property owned by the city shall be to the highest responsible bidder, under such regulations as shall be prescribed by ordinance or resolution. Councils may by ordinance provide a contingent fund for necessary repairs or incidental expenses, not otherwise provided for, which may be expended without advertising for bids.¹

^{28 May 1889.}
Art. IV.

Contingent
fund for inci-
dental ex-
penses.

2. No member of councils, or other officer of such city, shall, either directly or indirectly, be a party to, or in any manner interested in any contract or agreement with such city for any matter, cause or thing whatsoever by which any liability or indebtedness is in any way or manner created against such city, and if any contract or agreement shall be made in violation of the foregoing provision, the same shall be null and void, and no action shall ever be maintained thereon against said city.

Id. § 12.

City officers
not to be
parties to con-
tracts creating
liability by
city.

Illegal contract
to be void.

3. On and after the passage of this act eight hours out of the twenty-four of each day shall make and constitute a legal day's work for mechanics, workmen and laborers in the employ of the state, or any municipal corporation therein, or otherwise engaged on public works.

^{26 July 1897.}
§ 1. P. L. 418.

Eight hours to
constitute day's
labor on pub-
lic works.

4. This act shall apply to all mechanics, workingmen and laborers now or hereafter employed by the state, or any municipal corporation therein, through its agents or officers, or in the employ of persons contracting with the state or said corporation for the performance of public work, and in all such employment none but citizens of the United States, or aliens who shall have legally declared their intention to become such, who have been residents of the state in which such work is to be done for the six months next preceding the date of such employment, shall be employed by the state or any municipal corporation therein, or by any person or persons contracting with the same; and every contract hereafter made for the performance of public work must comply with the requirements of this section; *Provided*, That nothing in this act shall affect contracts in existence at the time of the passage of this act.

Id. § 2.

To whom act
to apply.

Aliens not to
be employed
on public work
unless upon
declaration of
intention to be-
come citizens.

Existing con-
tracts not to
be affected.

5. Any officer or officers or agents of the state, or of any municipal corporation therein, who shall wilfully violate or otherwise evade the provisions of this act, shall be deemed guilty of malfeasance in office, and upon conviction thereof may be removed by the governor or head of the department to which said officer is attached.

Id. § 3.

Officers or
agents violating
or evading act
to be removed.

6. Any person or persons contracting with the state or any municipal corporation therein, and any officer or agent of the state or any municipal corporation therein who shall fail to comply with, or attempt to evade the provisions of this act

Id. § 4.

Non-compliance
with act by
officers, agents,
etc., to be mis-
demeanor.

¹ The section amended as above by Act of May 16, 1901, § 4, P. L. 226.

26 July 1897. shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one thousand dollars.¹

¹ See the Acts of June 7, 1897, P. L. 135, requiring the retention of taxes of aliens from their wages by employers, upon notice, and June 15, 1897, P. L. 166, levying a tax of three cents per day upon employers of aliens, and prescribing the

manner of its collection. The latter was declared unconstitutional in *Limestone Co. v. Fagley*, 187 Pa. 193, and by the Act of May 21, 1901, P. L. 265, the taxes collected thereunder were directed to be refunded.

Controller.

1. Election of city controller. Qualifications. Term. To superintend fiscal concerns. To audit and settle accounts. To administer oaths.

2. Books of accounts to be kept, and what same to contain.

3. Supervision of accounts of all fiscal departments. Reporting of irregularities. Auditing of accounts.

4. Countersigning of warrants. When incomplete appropriation exhausted, fact to be reported to councils. What evidence to be produced to controller in countersigning warrants.

5. Contracts to designate item of appro-

priation and be certified. Liability of controller for certifying contract in excess of appropriation. Proviso.

6. Payments to be made on appropriation and warrant. Creation of debt by municipal department.

7. Controller to suggest plans for management of finances. Annual report. Items of report. Estimate of receipts and expenditures.

8. Vacancy, how filled. Term of successor. Bond. Salary.

9. Controllers may appoint probate clerks. Clerks to administer oaths.

23 May 1889.
Art. IX., § 1.
P. L. 302.

Election of city
controller.
Qualifications.
Term.

To superintend
fiscal concerns

To audit and
settle accounts.

1. The qualified electors of each of said cities of the third class shall elect, at the municipal election, a city controller, who shall possess the qualifications herein prescribed for the city treasurer, and shall serve for the term of three years, and until his successor is duly elected and qualified. He shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by the laws of this state and the ordinances and resolutions of the city councils in accordance therewith. He shall examine, audit and settle all accounts whatsoever in which the city is concerned, either as

3. He shall have the supervision and control of the accounts of all departments,¹ bureaus and officers of the city² who shall collect, receive or disburse the public moneys, or who are charged with the management or custody thereof; shall audit their respective accounts, and may at any time require from any or all of them a statement in writing of any and all moneys or property of the city in their hands, or under their control; and he shall, immediately upon the discovery of any default, irregularity or delinquency report the same to the city councils. He shall likewise audit and report upon the accounts of any such officer upon the death, resignation, removal or expiration of the term of the said officer.

23 May 1889.
Art. IX., § 3.

Supervision of accounts of all fiscal departments.

Reporting of irregularities.

Auditing of accounts.

4. He shall countersign all warrants upon the city treasurer,³ the form whereof shall be prescribed by councils, and shall not suffer any appropriation made by the city councils to be overdrawn; but no warrant shall be countersigned unless there is money in the treasury to pay the same. In every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report the fact to the city councils, and accompany such report with a statement of the moneys which have been drawn on such appropriation, and the particular purpose for which they were drawn. Whenever a warrant on the treasurer shall be presented to him to be countersigned, the person presenting the same shall, if the controller require, produce evidence:

Id. § 4.

Countersigning of warrants.

When incomplete appropriation exhausted, fact to be reported to councils.

(1) That the amount expressed in the warrant is due to the person in whose favor it is drawn.

What evidence to be produced to controller in countersigning warrants.

(2) That the supplies or the services for payment of which the warrant is drawn have been furnished or performed according to law and the terms of the contract.

5. Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item, and so certified by the controller on the contract before it shall take effect as a contract, and the payments required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made

Id. § 5.

Contracts to designate item of appropriation and be certified.

¹The controller cannot interfere with the discretion of other municipal departments; his authority as to such departments extends only to seeing that they do not exceed their appropriations, or apply them to purposes not within their proper scope. *Commonwealth v. Philadelphia*, 38 W. N. C. 426.

²The city controller has jurisdiction over the accounts of the school district. *Commonwealth v. Hitchens*, 18 Super. Ct. R. 349; 200 Pa. 508.

³The law is well settled that the controller is vested with certain judicial and discretionary powers, in the exercise of which, within the scope of his authority, he cannot be constrained by a writ of mandamus or otherwise. See *Runkle v.*

Commonwealth, 97 Pa. 328; *Dechert v. Commonwealth*, 113 Id. 229. But in the performance of mere ministerial duties he may be compelled to act, and the process of the court may be invoked to set him in motion. *Dechert v. Commonwealth*, *supra*; *Commonwealth v. George*, 148 Pa. 463; *Commonwealth v. Philadelphia*, 176 Id. 588. *Flick v. Harpham*, 3 Dist. R. 568; 13 Pa. C. C. R. 648. Where he refuses to approve a warrant he must assign his reasons. Such refusal cannot prejudice a just claim against the city, which may thereupon be sued for in the courts, by which the controller's objections are then reviewable. *Philadelphia v. Rickley*, 18 W. N. C. 53.

23 May 1889.
Art. IX.

Liability of
controller for
certifying con-
tract in excess
of appropria-
tion.

Proviso.

therefor, the city shall not be liable for such excess, but the controller and his sureties shall be liable for the same, which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the controller to certify contracts for the payment of which sufficient appropriations have been made;¹ *Provided, however,* That this section shall not apply to contracts for public improvements heretofore or hereafter made, the cost of which has been or shall be assessed in whole or in part upon the properties abutting or benefited, except as to that part of such improvements directed to be paid out of an appropriation from the city treasury.²

23 May 1889.
Art. IV., § 7.
P. L. 283.

Payments to be
made on appro-
priation and
warrant.

6. No money shall be paid out of the city treasury except upon appropriations made according to law, and on warrant³ drawn by the proper officer in pursuance thereof, and no municipal department shall create any debt or make any contract except in pursuance of previous authority of law or ordinance.⁴

23 May 1889.
Art. IX.,
§ 6. P. L. 304.

Controller to
suggest plans
for manage-
ment of
finances.

Annual report.

Items of report

7. The city controller shall, from time to time, and as often as he may deem expedient, or the city councils shall direct, suggest plans to the councils for the management and improvement of the city finances; and he shall make a report, verified by oath or affirmation, to the city councils at the first stated meeting in May in each year, of the public accounts of the city, and of the trusts in its care, exhibiting all the expenditures thereof, respectively, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed; each account to be accompanied by a statement in detail of the several appropriations made by councils, the amount drawn on each appropriation, and the balance outstanding to the debit or credit of such appropriations at the close of the fiscal year, which report shall be published in pamphlet form. He shall also at the first stated

as a basis for fixing the levy and tax rate for the next fiscal year.¹ 23 May 1889.
Art. IX.

8. Any vacancy in the office of city controller shall be filled by the vote of a majority of the members elected to councils, in joint convention, and the person so chosen to fill the same shall serve until the first Monday of April succeeding the municipal election occurring at least one month after the happening of such vacancy, at which election a successor shall be elected for the unexpired term.² The city controller shall give a lawful bond to the city, with two or more sufficient sureties, to be approved by councils, in such sum as they may by ordinance direct, conditioned for the faithful discharge of his official duties, and shall receive a fixed annual salary, to be provided by ordinance. 14. § 7.
Vacancy, how filled.
Term of successor.
Bond.
Salary.

9. Controllers of the several cities of this commonwealth shall be and are hereby authorized to appoint, from among their employes, one person to be probate clerk, who shall have power to administer oaths or affirmations in all matters relating to accounts against said city. 15 June 1897.
§ 1. P. L. 159.
Controllers may appoint probate clerks. Clerks to administer oaths.

¹The section amended as above by Act of May 16, 1901, § 25, P. L. 242.

²This provision supplies that of the

Act of May 8, 1876, P. L. 180, relative to filling vacancies in the office.

Corporate Powers.

1. Reservation of corporate powers.
2. Corporate powers of cities of third class. How exercised.
3. Enumeration of additional corporate powers.
4. Power of taxation.
5. Additional power of taxation.
6. Poll tax.
7. License taxes on various businesses.
8. Power to borrow money. Increase of indebtedness. Limitation of debt.
9. Funding of indebtedness. When bonds to be payable. Rate of interest. Sale of bonds.
10. Sinking fund.
11. Laying out, opening, etc., of streets, alleys, etc. Vacation of same. Sidewalks, bridges and culverts. Cost, how provided for. How ordinance to be passed.
12. Construction of sewers.
13. Grading, paving, macadamizing and curbing of streets. How payment therefor to be provided. Assessments by foot front rule or according to benefits. Equitable reduction of frontage. Appointment of viewers. Majority in number or interest to petition. Unless councils pass ordinance by three-fourths vote. Publication to be made in certain cases. Mode of publication. Provision. Passage of ordinance to be conclusive evidence. Notice to be published prior to passage of ordinance. Assessments according to benefits.
14. Paving, curbing and repair of sidewalks. Upon failure of owners to comply with notice, work to be performed by city and cost thereof levied.
15. Debts and expenses of city.
16. Creation of offices and boards. Regulation of powers, duties and compensation of officers and boards. No salary to be increased or diminished. How boards or departments to be chosen. Provisions not to apply to water boards in certain cases.
17. Security from officers.
18. Removal of officers.
19. Removal of obstructions from side-

- walks and streets. Planting of shade trees. Basements and excavations.
20. Regulation of porches, bay-windows, etc. Boxes, bales, etc., on sidewalks.
21. Railroad bridges and crossings. Safety gates and flagmen. Regulation of speed of trains.
22. Night watch and police.
23. Fines and penalties. Imprisonment or labor on streets.
24. Lock-ups and watch-houses. Limit of detention therein.
25. Hospitals, prisons, work-houses and houses of correction. Erection of public buildings. Appropriation of lands therefor. Lands for poor farm. Assessment of damages for property taken.
26. Police regulations at squares, parks, depots, etc. Arrest of professional thieves.
27. Rewards for arrest of offenders.
28. License tax from theatres, circuses and public exhibitions. Restraint of immoral exhibitions.
29. Bathing in rivers adjoining city.
30. Coach and cab stands. Rate of charges for transportation.
31. Suppression of tippling shops, houses of prostitution, gaming, Sabbath desecration, etc.
32. Prevention of riots and disorderly assemblies. Discharge of fire-arms, fireworks, etc. Carrying concealed deadly weapons. Fast driving and dangerous amusements. Driving upon sidewalks.
33. Purchase and erection of market-houses and market-places. Market regulations. Market licenses.
34. Inspection and weighing of hay, grain, coal, etc. Designation of places for selling hay, coal and wood. Regulation of weights and measures.
35. Levees and ferries. Wharves and wharf lines. Improvement of channels.
36. Water courses, wells, cisterns, etc. Removal of encroachments upon streams.
37. Purchase of lands for public parks, and taxation therefor. Park regulations.

38. Pens, pounds, etc. Impounding of estrays. Taxation and destruction of dogs.

39. Public health and removal of nuisances.

40. Quarantine regulations.

41. Purchase of fire apparatus. Regulation of fire department. Election of officers thereof.

42. Inspection of chimneys, boilers, etc. Transportation and storage of explosives.

43. Inspection of buildings. Appointment of building inspectors. Fixing of fire limits.

44. Lighting of streets and numbering of houses.

45. Exclusive right to supply gas or other

light. Contracts for supply of light. Limitation of contract.

46. Exclusive right to supply water. Maintenance of water works. Contracts for water supply. Limitation of contract.

47. Foundations and party walls. How party wall to be laid. First builder to be reimbursed.

48. Partition fences. How fences to be constructed.

49. Ordinances, etc., for good government and welfare of city. Penalties for violation of ordinances. Limitation. Imprisonment in default of payment.

23 May 1889.
Art. V., § 1.
P. L. 286.

Reservation of
corporate
powers.

Id. § 2.

Corporate
powers of cities
of third class.

1. The corporate powers, and the number, character, powers and duties of the officers of cities of the third class now in existence by virtue of the laws of this commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act.

2. Every city of the third class within this commonwealth is hereby declared to be a body corporate and politic, and shall have perpetual succession, and shall have power

I. To sue and be sued.¹

II. To purchase and hold real and personal property for the use of the city.²

III. To lease, and to sell and convey any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

IV. To make all contracts,³ and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers.

V. To have and use a corporate seal, and alter the same at pleasure; and every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its original incorporation.

How exercised. The powers hereby granted shall be exercised by the mayor and councils of such cities in the manner herein provided.

23 May 1889.
Art. V.

hundred dollars each annually, on all auctioneers, contractors, druggists, hawkers, peddlers,¹ produce or merchandise vendors,² bankers,³ brokers,⁴ pawnbrokers, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers,⁵ restaurants, bowling alleys, billiard tables and other gaming tables, drays, hacks, carriages, omnibuses, carts, wagons, street railway cars, and other vehicles used in the city for hire or pay,⁶ lumber dealers, including commission men and all persons who make a business of buying lumber for sale at wholesale or retail, furniture dealers, saddle or harness dealers, stationers, jewelers, livery or boarding stable keepers, real estate agents, agents of fire, life or other insurance companies,⁷ market house companies, express companies or agencies, telegraph,⁸ telephone,

¹ A municipal ordinance prohibiting peddling in the city limits without a city license is a valid exercise of the police power. *Titusville v. Brennan*, 143 Pa. 642; *Warren Borough v. Geer*, 117 Id. 207; *Brownback v. North Wales Borough*, 7 Dist. R. 324; 10 Super. Ct. R. 227; 194 Pa. 609; *New Castle v. Outler*, 15 Super. Ct. R. 612; *Mechanicsburg Borough v. Koons*, 18 Id. 131. But it must be directed against the business and not against a class of persons engaged in the business; otherwise it is a trade regulation and invalid. *Sayre Borough v. Phillips*, 148 Pa. 482; *Shamokin v. Flannigan*, 156 Id. 43. See also *Wilcox v. Knoxville Borough*, 2 Dist. R. 721; *Commonwealth v. Wormser*, 7 Id. 318; *Commonwealth v. Hepner*, 22 Pa. C. C. R. 630. As to the definition of hawker and peddler, see *Commonwealth v. Gardner*, 133 Pa. 284; *Commonwealth v. Edson*, 2 Pa. C. C. R. 377; *Easton v. Kemmerer*, 3 Dist. R. 220; *Lancaster v. Reese*, 14 Id. 447; *Commonwealth v. Hunsicker*, Id. 544.

² An ordinance which discriminates between resident and non-resident mer-

Dist. R. 532, and see *Harrisburg v. Harris*, 2 Dauph. Co. R. 334.

³ A local license tax by a municipality on hacks, carriages for hire, etc., is constitutional. *Washington Borough v. McGeorge*, 146 Pa. 248; *Kittanning Borough v. Montgomery*, 5 Super. Ct. R. 196. A tax of one dollar per year on each bicycle owned by a resident held unconstitutional. *Densmore v. Erie*, 7 Dist. R. 355. Under this clause a city has no authority to impose a license tax upon the delivery wagon of a non-resident milkman. *Reading v. Bitting*, 167 Pa. 21. As to license tax upon street railway cars, see *North Braddock Borough v. Traction Co.*, 8 Super. Ct. R. 233; *Erie v. Erie Electric Motor Co.*, 24 Id. 77.

⁴ The similar provision of the Act of May 24, 1887, held to repeal that of the Act of April 4, 1873, prohibiting municipalities from imposing a license tax on insurance companies. *Aetna Ins. Co. v. Reading*, 119 Pa. 417.

⁵ As to right to impose reasonable license tax on telegraph, telephone or electric light poles, see *Chester v. Western Union Telegraph Co.*, 154 Pa. 464; *Phila-*

steam heating,¹ gas, natural gas, water, electric light or power²³ May 1880.
companies or agencies, or individuals furnishing communica-
tion, light, heat or power by any of the means enumerated,
and to regulate the collection of the same.² Art. V.

8. V. To borrow money on the credit of the city, and to pledge the credit and revenue thereof for the payment of the same to an amount not exceeding two per centum upon the assessed value of the taxable property in said city, and, with the consent of the people of the said city, obtained at an election held under the provisions of the constitution and the general laws of this commonwealth, to increase the indebtedness of such city to an amount not exceeding in the aggregate seven per centum upon the assessed valuation of the taxable property therein. Power to borrow money.
Increase of indebtedness.
Limitation of debt.

9. VI. To provide for the issuing of bonds, and for the application of bonds already issued by cities hereafter incorporated, for the purpose of funding any and all indebtedness now existing, or hereafter created, of the city, now due, or to become due; *Provided*, That said bonds shall be payable in not less than five years, and not more than thirty years, from the date of their issue, and that the same shall bear interest at a rate not exceeding six per centum per annum,⁴ with interest coupons attached,⁵ payable annually or semi-annually,⁶ and the said bonds shall not be sold or exchanged for less than their par value.⁷ Funding of indebtedness.
When bonds to be payable.
Rate of interest.
Sale of bonds.

10. VII. To make provision for a sinking fund⁸ to pay at maturity the bonded indebtedness of the city, and to levy and collect taxes on all the taxable property in the city, in addition to all other taxes, for the purpose of paying the same, under and subject to the limitations and requirements of this act, and of the constitution and laws of this commonwealth.⁹ Sinking fund.

11. VIII. To lay out, open, widen,¹⁰ straighten, alter, tend, improve, establish or re-establish grades of, and keep in Laying out, opening, etc., of streets, alleys, etc.

¹ See *Reading v. Steam Heat and Power Co.*, 20 Pa. C. C. R. 411.

² The clause amended as above (striking out the words in the first line, "for general revenue purposes") by Act of May 16, 1901, § 6, P. L. 228.

³ For construction of the term of payment of a bond payable "in" a certain number of years, see *Allentown School District v. Derr*, 115 Pa. 439.

⁴ A city has power to assume the payment of the state tax on its own bonds. *Fidelity Trust, etc., Company v. Scranton*, 102 Pa. 387.

⁵ The payment of overdue coupons by the treasurer may be compelled by mandamus, although the money in his hands may have been appropriated by councils to other uses, provided the money thus withdrawn from the treasury is not absolutely needed for the ordinary expenses of the city. *Williamsport v. Commonwealth*, 90 Pa. 498.

⁶ The interest on municipal bonds is apportionable. *Wilson's App.*, 108 Pa. 344.

⁷ This does not warrant the allowance of a commission to the purchaser of the bonds from the city at par. Such an arrangement is virtually a sale at less than par. Compensation paid to an agent for his services in effecting a sale of the bonds at or above par is not unlawful. *Whelen's App.*, 108 Pa. 162.

⁸ See title "Sinking Fund," *post*.

⁹ See, as to the application of such taxes, *Wilkesbarre's App.*, 116 Pa. 246.

¹⁰ As to the measure of damages for widening a street, see *Larkin v. Scranton*, 162 Pa. 289.

28 May 1889.
Art. V.

Vacation of
same.

Sidewalks,
bridges and
culverts.

Cost, how pro-
vided for.

How ordi-
nance to be
passed.

Construction
of sewers.

Grading, pav-
ing, macadam-
izing and curb-
ing of streets.

good order and repair, and in safe, passable condition,¹ any street, avenue, alley or lane, or any part thereof, within the city limits, or to vacate and discontinue the same² whenever deemed expedient for the public good; and to make sidewalks and construct and maintain bridges and culverts, and to provide for the cost thereof, either in whole or in part, from the general revenues of the city. No ordinance for the opening, widening, straightening, extending or vacating of any street, avenue, alley or lane, or parts thereof, shall be passed, except in the manner provided in clause ten of section three of article five, as hereinafter amended.³

12. IX. To construct and reconstruct sewers,⁴ and to extend the same beyond the city limits whenever deemed necessary, and for the purpose of such construction or extension to take and occupy private lands and property, making compensation therefor to the owners thereof, as required by law.

13. X. To cause to be graded, paved⁵ or macadamized any public street, lane or alley, or part thereof, which is now or may hereafter be laid out and opened in any of said cities, and the same set with curbstone, and to provide for the pay-

¹ Under this clause a city has the implied power to build a subway for electric wires. *O'Brien v. Erie*, 7 Dist. R. 491. A municipality is held to no higher measure of duty than that of keeping the highways and streets in a reasonably safe condition, having in view the ordinary requirements of the public. *Megargee v. Philadelphia*, 153 Pa. 340. Its liability for damages does not extend to the case of injuries occasioned by the negligence of an independent contractor. *Ginther v. Yorkville Borough*, 3 Super. Ct. II. 403; *Hookey v. Oakdale Borough*, 5 Id. 404. See also *Aiken v. Philadelphia*, 9 Id. 502. The duty to keep the entire street and sidewalks in the closely built

Act of February 27, 1849, § 3, P. L. 90, prescribing that where a street or highway shall be lawfully vacated, the ground shall fall to the adjoining owners in the proportions originally contributed, was merely a re-enactment of the common law. *Denehey v. Harrisburg*, 2 Pears. R. 330, 331. See the Act of March 21, 1905, P. L. 46; title "Streets," *post*.

² See *infra* 13. The clause amended as above by Act of May 16, 1901, § 7, P. L. 228.

⁴ See title "Sewers" and *Erie v. Russell*, 148 Pa. 384. A municipality is liable for injuries caused by negligent construction of a sewer, but not for errors of judgment in the selection of plans, loca-

ment of the cost and expense thereof, in whole or in part, by the city or by the owners of real estate bounding and abutting thereon; which cost and expense, upon the abutting real estate, shall be assessed according to the foot front rule¹ or according to benefits,² as councils shall by ordinance determine. When the costs and expenses, or any part thereof, are to be paid for by the foot front rule, the city shall assess or cause to be assessed the said cost and expense upon the real estate abounding or abutting on the line of the improvement, by an equal assessment on said property, in proportion to the number of feet the same fronts on the respective street, lane or alley, or part thereof, to be improved; and the councils may provide for an equitable reduction from the frontage of lots at all street and other intersections, and at other places where, from the peculiar or the pointed shape of the lots, an assessment for the full frontage would be inequitable and unequal. When the costs and expenses of any grading, paving, macadamizing or other improvement of any street, lane or alley, or part thereof, is to be paid for by the real estate abutting as aforesaid, according to benefits, the same shall be assessed by viewers appointed by the court of common pleas, as is now or shall hereafter be provided by act of assembly. But no ordinance shall be passed providing for the paving, macadamizing, grading or other improvement of any street, avenue, lane or alley, or part thereof, or for the opening, widening, straightening, extending or vacating thereof, except upon the petition of a majority in number or of a majority in interest³ of the owners of property abutting on the

²³ May 1889.
Art. V.

How payment
therefor to be
provided.

Assessments by
foot front rule
or according
to benefits.

Equitable
reduction of
frontage.

Appointment
of viewers.

Majority in
number or in-
terest to peti-
tion.

¹ It has been firmly established by a long line of judicial decisions in this state that the foot front rule is not applicable to suburban or rural property, and that the question as to whether the property is suburban or rural is for the jury. See in particular *Seeley v. Pittsburgh*, 82 Pa. 360; *Kelly v. Pittsburgh*, 85 Id. 170; *Craig v. Philadelphia*, 89 Id. 265; *Scranton v. Penna. Coal Co.*, 105 Id. 445; *Hand v. Fellows*, 148 Id. 456; *South Chester Borough v. Garland*, 162 Id. 91; *McKeesport v. Soles*, 165 Id. 628; *Same Case*, 178 Id. 363; *Reading v. O'Reilly*, 169 Id. 366; *Norristown v. Foranance*, 1 Super. Ct. R. 129; *Philadelphia v. Gorgas*, 180 Pa. 296. That the foot front rule is sustainable in all cases to which it applies, see *Harrisburg v. McPherran*, 200 Pa. 343; *Scranton v. Koehler*, Id. 126. While the cost of paving may be assessed on abutting property, the cost of keeping the street in repair must be borne by the city. *Williamsport v. Hughes*, 7 Lack. R. 67.

² The purpose of this provision is to enable a city to grade its streets stretching out into the rural parts of the city, and, where the situation of the properties along the street is such as to make it just to do so, to impose the cost of the

improvement on the property benefited. *Scranton v. Bush*, 160 Pa. 499. Such a power as is here conferred is well executed by a general ordinance prescribing the mode in accordance with the act, followed by a special ordinance authorizing the grading or paving of a particular street. *Huidekoper v. Meadville*, 83 Pa. 156. Councils may, by ordinance and resolution, refer bids for paving to a committee on streets, and empower such committee to enter into a contract for the work. *Reuting v. Titusville*, 175 Id. 512. They may enter into a contract for the original paving of a street and prescribe the conditions. *Williamsport v. Hughes*, 21 Super. Ct. R. 443.

³ On the trial of a *sci. fa. sur* municipal lien for paving and grading, the questions whether the street designated in the petition is on defendant's land and whether a majority of property owners along the line of the improvement signed the petition are for the jury. *McKeesport Boro. v. Busch*, 166 Pa. 46. A landowner who petitions for the paving of a street is estopped from denying the power of councils to do the paving. *Harrisburg v. Baptist*, 156 Id. 526; *Beaver Borough v. Davidson*, 9 Super. Ct. R. 159.

23 May 1889.
Art. V.

Unless councils
pass ordinance
by three-
fourths vote.

Publication to
be made in cer-
tain cases.

Mode of publi-
cation.

Proviso.

Passage of
ordinance to be
conclusive
evidence.

Notice to be
published prior
to passage of
ordinance.

line of the proposed improvement,¹ to be verified by the affidavit of one or more of the petitioners (a majority in interest of owners of undivided interests in any one piece of property to be deemed and treated as one person, for the purpose of said petition), unless the ordinance for such improvement shall have been passed by a vote of three-fourths of all the members of each branch of councils, in which case councils may direct the improvement to be made at the cost of the owners without petition;² *Provided, however,* That no such ordinance ordering any street or alley or part thereof to be thus improved without a petition therefor, shall be finally passed in a less period than thirty days from the date of its introduction; and in the meantime copies of such ordinance shall be published in the official newspaper or newspapers of said cities, once a week for three consecutive weeks; *Provided, however,* That the requirements for such publication shall not preclude the amendment of any paving ordinance as to the kind of pavement with which any street or alley, or part thereof, is proposed to be paved. The passage of the ordinance providing for any of the aforesaid improvements, upon petition therefor, shall be conclusive of the fact that a majority in number of the persons owning or holding property on the line of the improvement, or that the persons owning a majority of the feet front thereon, as the case may be, have petitioned therefor; *Provided,* That no ordinance for any of the aforesaid purposes petitioned for, shall be passed in any branch of councils until notice of the improvement prayed for, with the names of the petitioners, shall have been given by publication in one or more newspapers published in the respective city, which notice shall be by at least one insertion in said newspaper or newspapers, and at least five days previous to the passage of the said ordinance by the branch in which it was first introduced. The cost and ex-

nance providing for the improvement had therein provided²³ for such assessment.¹ 23 May 1886.
Art. V.

14. XI. To require owners of property abutting on any public street, lane or alley to construct, pave,² curb, repave, and recurb³ the sidewalks, and keep the same in good repair along such property,⁴ with such materials, at such grades, and under such regulations as may be prescribed by ordinance; and upon failure of such owners to comply therewith, upon notice, to authorize the same to be done by the city, and the expense thereof to be levied and collected from such owners, with costs, which amount shall be a lien upon such premises from the time of the commencement of the work, which date shall be fixed by certificate of the city engineer filed with the clerk, and may be collected by action at law, or such lien may be filed and proceeded in as herein provided in the case of municipal liens.⁵ Paving, curbing and repair of sidewalks.

Upon failure of owners to comply with notice work to be performed by city, and cost thereof levied.

15. XII. To provide for the payment of the debts and expenses of the city, and to appropriate money therefor. Debts and expenses of city.

16. XIII. To create any office, public board or department which they may deem necessary for the good government and interest of the city; to prescribe the powers thereof, and to regulate and prescribe the terms, duties and compensation of all such officers, and of all officers who are members of any public board or any department so created. But no ordinance shall be passed increasing or diminishing the salary Creation of offices and boards.

Regulation of powers, duties and compensation of officers and boards.

¹ The original section of the Act of 1889 amended as above by the Act of March 30, 1903, P. L. 115.

² Paving, in the contemplation of the statutes, means the kind of paving that is customary. *Wistar v. Philadelphia*, 80 Pa. 505, 111 Id. 604.

³ Where curbstones have been properly set at the expense of the property owner, and they are in good order and repair, the expense of replacing them cannot be provided by assessment upon his property. *Wistar v. Philadelphia*, 111 Pa. 604; *Reading v. Heilman*, 19 Super. Ct. R. 422. The same principle applies to the relaying of a pavement. *Phila. v. Henry*, 161 Pa. 38. Comp. *Oil City v. Marston*, 24 Pa. C. C. R. 645.

⁴ Such authority as is here conferred is not exercisable by way of local taxation, but as a police regulation; wherefore an institution of purely public charity, exempt by statute from taxation, is not exempt from assessment for the cost of curbing. *Phila. v. Penna. Hospital*, 143 Pa. 367, and see *S. C.*, 134 Id. 171; *Philadelphia v. Weaver*, 14 Super. Ct. R. 293. The duty of keeping the sidewalks in repair rests primarily with the property owner. *Mintzer v. Hogg*, 192 Pa. 137, and the city is not liable for defects without actual or constructive notice of their existence. *Duncan v. Phila.*, 173 Id. 550. To impose the duty of repairing a pavement upon a landowner, it is not necessary that the pavement should be a dangerous public nuisance; if it is in bad condition and unsafe, the owner must repair it. *Phila. v. Cemetery Co.*, 147 Pa. 170, and see *Smith v. Kingston Boro.*, 120

Id. 357. The owner is liable over to the corporation where there has been a recovery against it of damages for personal injuries by reason of defect in the sidewalks. *Brookville v. Arthurs*, 152 Pa. 334; *Reading v. Reiner*, 167 Id. 41; *Chester v. Bank*, 9 Super. Ct. R. 517. But the municipality is not relieved from the duty of seeing that the street on which work is being done is in a reasonably safe condition while the improvements are being made by property owners pursuant to ordinance. *Trego v. Honeybrook Borough*, 160 Pa. 76; Comp. *Mills v. Phila.*, 42 W. N. C. 397 (S. C.). For various authorities as to the liability of a city for defects or obstructions in sidewalks, see *McNerney v. Reading*, 150 Pa. 611; *Feather v. Reading*, 155 Id. 187; *Lohr v. Phillipsburg*, 156 Id. 246; *Wyman v. Phila.*, 175 Id. 117; *Duncan v. Phila.*, 38 W. N. C. 82; *Smith v. East Mauch Chunk Boro.*, 3 Super. Ct. R. 495; *McClosky v. Dubois Boro.*, 4 Id. 181; *Manross v. Oil City*, 178 Pa. 276; *Bruch v. Phila.*, 181 Id. 588; *Fitzpatrick v. Darby Boro.*, 184 Id. 645; *Bauerle v. Phila.*, Id. 545; *Boyle v. Mahanoy City*, 187 Id. 1; *Rick v. Wilkesbarre*, 9 Super. Ct. R. 399; *Dutton v. Lansdowne Boro.*, 10 Super. Ct. R. 204; *Rushton v. Allegheny City*, 192 Pa. 574; *Kellow v. Scranton*, 195 Id. 134; *Lenich v. Beaver*, 199 Id. 420; *Rogers v. Williamsport*, Id. 450; *Garland v. Wilkesbarre*, 212 Id. 151; *Gillard v. City of Chester*, Id. 338; *Becker v. Philadelphia*, Id. 879.

⁵ The clause amended as above by Act of May 16, 1901, § 9, P. L. 231.

28 May 1889.
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No salary to
be increased or
diminished.

How boards or
departments to
be chosen.

Provisions not
to apply to
water boards
in certain
cases.

Security from
officers.

Removal of
officers.

or compensation of any officer, or of any member of any public board or department, after his or their election or appointment;¹ *Provided, however,* That in case of the creation of any public board or department, the members thereof shall, except where otherwise provided by this act, be elected or chosen by the select and common councils, in joint convention; but no two persons from the same ward shall serve on the same board at the same time; *Provided,* That the provisions of this section, as to the creation of any public board or department and prescribing the duties thereof, shall not apply to the creation of any board of commissioners of waterworks of any city wherein the title to the waterworks therein located is in the name of the commissioners of waterworks.²

17. XIV. To require from all officers and agents of the city, elected or appointed, lawful bonds and security for the faithful performance of their duties,³ and no officer or agent required by law or ordinance to give bond as aforesaid shall be sworn into office or enter upon the duties thereof, until such bond shall have been duly approved by the proper authority.

18. XV. To provide for the removal of officers of the city whose offices are established by ordinance,⁴ and whose removal is not otherwise herein provided for.

¹ This language is adapted from that of Art. III., § 13, of the constitution, and is therefore to receive the same interpretation. An officer of the city is one whose office is established by law or ordinance, for a fixed term, and who receives a stated salary paid by the city. To all such the above restriction as to the increase or reduction of salary applies. See *Devers v. York*, 156 Pa. 359; *Fox v. Lebanon County*, 4 Pa. C. C. R. 393; *Mulholland v. Flannery*, 11 Kulp 181. A mere

cannot bind the corporation beyond the scope of his authority, nor within it except in strict conformity therewith. *Malone v. Philadelphia*, 147 Pa. 416; *Lesky v. Kite*, 192 Id. 268. But the corporation may ratify, by ordinance subsequently passed, the unauthorized acts and contracts of its officers or agents which are within the corporate powers. *Millvale Borough*, 162 Pa. 374; *Shiloh Street*, 165 Id. 386; *Amberson Avenue*, 179 Id. 634; *Philadelphia v. Hays*, 93 Id. 72; *Chester*

19. XVI. To require the removal of all obstructions¹ from the sidewalks, curbstones, gutters, streets and street crossings, at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person or persons placing the same there; and to regulate the planting and protection of shade trees in the streets, the building of cellar and basement ways, and other excavations through or under the sidewalks in said city.

²³ May 1880.
Art. V.
Removal of obstructions from sidewalks and streets.
Planting of shade trees.
Basements and excavations.

20. XVII. To make and establish such and so many uniform² rules and regulations as to them may seem expedient, for the better regulation of porches, porticoes, benches, doorsteps, railings, bulk, bay or jut windows,³ areas, cellar doors and cellar windows, signs and sign posts, boards, poles or frames, awnings, awning posts, or other devices or things projecting over, under, into, or otherwise occupying the sidewalks or other portion of any of the streets, lanes or alleys, and in relation to boxes, bales, barrels, hogsheads, crates or articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever placed in or upon any of the said sidewalks, or other portion of said streets, lanes or alleys, and also to prevent and remove all encroachments thereon.⁴

Regulation of porches, bay-windows, etc.

Boxes, bales, etc., on sidewalks.

21. XVIII. To provide for, and require the construction and maintenance of bridges,⁵ or other crossings over or under railroad tracks, and to enter into contracts with railroad companies for the construction and maintenance of the same; to

Railroad bridges and crossings.

¹ In the absence of legislative authority, a city cannot license the use of the streets or sidewalks for private occupation. A property owner has no control over the abutting streets or sidewalks except to require that they be kept free from obstruction. See *Goodwin v. Hamilton*, 6 Dist. R. 705, 706. The rights of the public are the supreme consideration, and the provisions of the above and the succeeding clause of this section prescribe in unequivocal terms the duty of the city authorities to see that those rights are protected and enforced. Any private occupation or obstruction of a street is a public nuisance. *Commonwealth v. Monaghan*, 131 Pa. 55; *Commonwealth v. Allen*, 148 Id. 358, and *Comp. Norristown v. Moyer*, 67 Pa. 355; *Philadelphia v. Sheppard*, 158 Id. 347. But, obviously, the temporary use of a part of a street or sidewalk may be licensed for a lawful purpose, such, for instance, as to lay water or other pipes. *Smith v. Simmons*, 103 Pa. 32; *Susquehanna Depot v. Simmons*, 112 Id. 384; *McDevitt v. Gas Co.*, 160 Id. 367; *Prevost v. Water Co.*, 162 Id. 275; or for the erection of buildings, or the making of necessary repairs. *Mills v. Philadelphia*, 187 Id. 287. It would be needless to multiply citations upon a branch of the law relative to public high-

ways which is so well settled as the foregoing.

² Uniformity is an essential requisite of licenses to erect structures beyond the building line, and such privileges must be conferred by ordinances of general application. *Reimer's App.*, 100 Pa. 182; *Commonwealth v. Harris*, 10 W. N. C. 10; *Livingston v. Wolf*, 136 Pa. 519; *Gitt v. Hanover Borough*, 4 Dist. R. 606.

³ As to restrictions upon bulk, bay or oriel windows, see *Hess v. City of Lancaster*, 4 Dist. R. 737; *Commonwealth v. Francy*, 21 Pa. C. C. R. 364.

⁴ See the Act of April 20, 1905, P. L. 227; title "Rubbish," post.

⁵ The Act of March 26, 1903, P. L. 71, authorizes cities to construct viaducts or bridges over streets, railroads or private property, either wholly or partly within the city limits, to be used as public highways, and to contract with the county commissioners, railway companies or others for the construction of the same, and prescribes the mode of proceeding. The Act of March 27, 1903, P. L. 74, amending the general road law, authorizes county commissioners to aid in building bridges in cities of the third class, in cases where the same are not to be entered of record as county bridges.

23 May 1880.
Art. V.

Safety gates
and flagmen.

Regulation of
speed of trains.

Night watch
and police.

Fines and
penalties.

Imprisonment
or labor on
streets.

Lock-ups and
watch-houses.

Limit of deten-
tion therein.

Hospitals, pri-
sons, work-
houses and
houses of cor-
rection.

require the erection of safety gates,¹ and the placing of flagmen at the intersection of railroads with public streets; to forbid the obstruction of the said crossings by locomotives or railroad cars,² and also to make reasonable regulations concerning the rate of speed at which locomotives, cars or trains shall pass upon or across the streets, within the built-up portions of the city.³

22. XIX. To establish and maintain night-watch and police, and define the duties of the same.

23. XX. To regulate the police of the city, and to impose fines, forfeitures⁴ and penalties⁵ for the violation of any ordinance, and provide for the recovery and collection of the same; and, in default of payment, to provide for confinement in the city or county prison,⁶ or to hard labor upon the streets, or elsewhere, for the benefit of the city.

24. XXI. To provide for the erection or purchase of lock-ups or watch-houses in some convenient part of the city, for the detention and confinement of vagrants and persons arrested by the police officers, until the persons so arrested can be taken before the proper magistrate for hearing, and committed to prison or discharged; but no person shall be detained therein for a longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.

25. XXII. To erect or purchase, establish and maintain hospitals,⁷ prisons, work-houses and houses of correction for juvenile⁸ or other offenders, and to prescribe regulations for

¹ As to rights of adjoining owner in case of erection of safety gates, see *Rosenbaum v. Phila. & Reading R. R. Co.*, 19 Pa. C. C. R. 666; and with reference to the requiring the erection of watch-houses, the placing of watch-

a prisoner arrested for intoxication, may, it seems, be appropriated by the magistrate to the payment of the fine. *McCann v. Barr*, 19 Pa. C. C. R. 669; 6 Dist. R. 721.

⁸ As to liability of the county to pay

the government thereof, and also to erect all public buildings¹ necessary for the use of the city and of any department thereof; to purchase or take, use and occupy private lands, upon which to erect any of the said buildings; to purchase, take, use and occupy, within the limits of the respective city, or within the county adjacent thereto, private lands, upon which to establish and maintain a hospital or hospitals, for the treatment and separation of persons suffering with contagious and infectious diseases; to purchase or take, use and occupy, within the limits of such city, or within the county adjacent thereto, private lands, upon which to establish and maintain a poor-farm, with all necessary and convenient buildings and appliances, where the city may support and maintain such poor persons as such city is by law required to support and maintain; and the damages accruing by reason of the acquisition of any private property, for the purposes aforesaid, shall be compensated in the manner now, or which may be hereafter, provided by law for the ascertainment and payment of damages for private property taken for public uses.²

²³ May 1889.
Art. V.

Erection of
public build-
ings.

Appropriation
of lands
therefor.

Lands for poor
farm.

Assessment of
damages for
property taken.

26. XXIII. To establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots, depot-grounds, and other places of public resort, and for the arrest and commitment of professional thieves.³

Police regula-
tions at
squares, parks,
depots, etc.

Arrest of pro-
fessional
thieves.

27. XXIV. To offer rewards⁴ for the arrest and conviction of persons guilty of capital or other high crimes within the city; but no policeman shall be entitled to receive any share thereof.⁵

Rewards for
arrest of of-
fenders.

28. XXV. To license and collect a license tax from all skating rinks, operas, theatres, concerts, shows, circuses, menageries and all kinds of public exhibitions for pay (except those for religious, educational or charitable purposes), to regulate the same, and to restrain all exhibitions of indecent or immoral character.⁶

License tax
from theatres,
circuses and
public exhibi-
tions.

Restraint of
immoral ex-
hibitions.

29. XXVI. To regulate the time and place of bathing in the rivers and other public water in and adjoining said city.

Bathing in
rivers adjoin-
ing city.

30. XXVII. To establish stands for coaches, cabs, omnibuses, carriages, wagons and other vehicles for hire, and to

Coach and
cab stands.

¹ See *Newell v. Bradford City*, 18 Pa. C. C. R. 465.

² The section amended as above by the Act of March 30, 1903, P. L. 115. See *Allentown v. Wagner*, 27 Super. Ct. R. 485. The Act of March 26, 1903, P. L. 63, authorizes cities to condemn real estate for use in the erection of municipal buildings, hospitals, water works, etc., and provides a method for the assessment of damages.

³ The Act of March 13, 1862, P. L. 113, authorizing the arrest and summary conviction of professional thieves in Philadelphia, was extended by various local acts to the cities of Allegheny, Lancaster, Harrisburg, Pittsburgh and Reading. The act was held to be constitutional in *Byers v. Commonwealth*, 42 Pa. 89. See the Act

of June 7, 1901, P. L. 492; title "Professional Thieves," *post*.

⁴ A resolution authorizing the mayor to offer a reward for the arrest and conviction of incendiaries is only binding upon the city for a reasonable time, having relation to the occasion which led to its passage. *Shaub v. Lancaster*, 156 Pa. 362.

⁵ See title "Police" as to the acceptance of rewards by policemen in certain cases.

⁶ The clause amended as above by Act of May 16, 1901, § 11, P. L. 233. That a municipality cannot delegate to its chief executive legislative power in connection with the issuance of a license fee for public exhibitions, see *Commonwealth v. Hallam*, 25 Pa. C. C. R. 471.

23 May 1880.
Art. V.

Rate of
charges for
transportation.

Suppression of
tippling shops,
houses of pro-
stitution, gam-
ing, Sabbath
desecration,
etc.

Prevention of
riots and dis-
orderly as-
semblies.

Discharge of
fire-arms, fire-
works, etc.

Carrying con-
cealed deadly
weapons.

Fast driving
and dangerous
amusements.

Driving upon
sidewalks.

Purchase and
erection of
market-houses
and market-
places.

Market regu-
lations.

enforce the observance and use thereof, and to fix the rates and prices for the transportation of persons and property from one part of the city to another.

31. XXVIII. To restrain, prohibit and suppress tippling shops, houses of prostitution, gambling houses, gaming, cock or dog fighting, and other disorderly or unlawful establishments or practices, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies.¹

32. XXIX. To prevent and restrain riots, routs, noises, disturbances, or disorderly assemblies in any street,² house or place in the city; to regulate, prevent and punish the discharge of firearms, rockets, powder, fireworks,³ or any other dangerous combustible material in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to prevent and punish the carrying of concealed deadly weapons; to arrest, fine, or set at work on the streets or elsewhere, all vagrants found in said city; to prevent and punish horse-racing, fast driving or riding in the streets, highways, alleys, bridges or places in the city, and all games, practices or amusements therein likely to result in danger or damage to any person or property, and to prevent and punish the riding or driving of horses, mules, oxen, cattle, or other teams, or the passage of any vehicle drawn thereby, over, upon or across sidewalks, and to regulate the passing of the same through the public streets.

33. XXX. To purchase and own grounds for, and to erect and establish market-houses and market-places, for which latter purpose parts of any street or sidewalk may be temporarily used, and to provide and enforce suitable general market regulations; to contract with any person or persons, or association of persons, companies or corporations for the erection and regulation of market-houses and market-places, on such terms and conditions, and in such manner as the councils may

occupy any portion of the streets or sidewalks for temporary public market purposes. 23 May 1889. Art. V.

34. XXXI. To regulate the weighing and measuring of every commodity sold in the city in all cases not otherwise provided by law; provide for and regulate the inspection and weighing of hay,¹ grain and coal, and the measuring of wood and fuel to be used in the city, and to designate the place or places of the same, and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees for inspection, weighing and measuring as aforesaid, and for the regulation and stamping of weights and measures. Inspection and weighing of hay, grain, coal, etc.
Designation of places for selling hay, coal and wood.
Regulation of weights and measures.

35. XXXII. To provide for the construction and maintenance of levees and ferries within the jurisdiction of any such city or within the limits thereof; to erect wharves on navigable waters adjacent to the city, regulate the use thereof, collect wharfage and establish wharf and dock lines; and to provide for protection against floods, by constructing and maintaining dikes or embankments along, and by removing obstructions from and deepening the channel of, rivers and streams flowing through or adjacent to the city.² Levees and ferries.
Wharves and wharf lines.
Improvement of channels.

36. XXXIII. To establish and change the channels, beds and mouths of water-courses³ through lands, marshes or waters within or adjacent to the city; to crib, wall and cover them over, and to prevent and remove obstructions therefrom at the expense of those causing the same; to establish, make and regulate public wells, cisterns, aqueducts and reservoirs of water, and to provide for filling the same; to establish the lines of banks of streams of water which pass through or along the boundary of such city, and by proceeding at law or equity to prevent and remove all such encroachments on the banks of streams and water-courses as threaten, will or do injure said city or the property therein.⁴ Water courses, wells, cisterns, etc.
Removal of encroachments upon streams.

37. XXXIV. To purchase, by and with the consent of a majority of the qualified electors obtained at an election held therefor, at a time and place to be fixed by councils, lands and premises for public parks, and to levy and collect such special taxes as may be necessary to pay for the same; and to make Purchase of lands for public parks and taxation therefor.
Park regulations.

¹The Act of April 11, 1901, P. L. 77, prescribes the manner in which baled hay and straw shall be bound and marked.

²The clause amended as above by Act of May 16, 1901, § 12, P. L. 233. See the Act of May 26, 1893, P. L. 139, authorizing cities to appropriate private property for the construction of piers, abutments, fills, slopes and approaches for bridges crossing rivers within the corporate limits thereof, and providing the manner in which compensation shall be made.

³The Act of April 28, 1899, P. L. 74, authorizing cities and boroughs to vacate, change, alter or relocate the course or channel of any creek, run or natural wa-

terway, other than navigable streams, and providing for the assessment of damages and collection of benefits arising therefrom, was repealed, so far as concerns the procedure for enforcement of the lien, by the Act of June 4, 1901, § 42, P. L. 402. A municipality may not by ordinance convert a natural running stream into a common sewer. *Commonwealth v. Yost*, 11 Super. Ct. R. 323. That a municipal corporation is liable to an abutting owner for diverting the flow of surface water on to his property, see *Torrey v. Scranton*, 133 Pa. 173.

⁴The clause amended as above by Act of May 16, 1901, § 13, P. L. 233.

23 May 1889.
Art. V.

appropriations for the improvement, and regulations for the government of parks owned or controlled by the city.

Pens, pounds,
etc.

38. XXXV. To provide for the erection of all needful pens, pounds and buildings within or without the city limits, appoint keepers thereof, and to regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs or other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibitions, and the expenses of impounding and keeping the same, and of such sale; to regulate and provide for taxing the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance.¹

Impounding
of estrays.

Taxation and
destruction of
dogs.

Public health
and removal
of nuisances.

39. XXXVI. To make regulations to secure the general health of the inhabitants, and to remove and prevent nuisances.²

Quarantine
regulations.

40. XXXVII. To make all necessary orders and regulations to prevent the introduction of contagious or pestilential diseases into the city; to enact quarantine laws for that purpose, and to enforce the same within five miles of the city limits.

Purchase of fire
apparatus.

41. XXXVIII. To purchase fire engines, hooks, ladders, trucks, fire alarms and other apparatus for the extinction of fires; to organize a fire department, with or without pay; to make the necessary appropriations for the maintenance of the same, and to prescribe rules and regulations for the government of the officers and companies belonging thereto; and if a paid department, to provide by ordinance for the election or appointment of the officers and companies belonging thereto.³

Regulation of
fire depart-
ment.

Election of offi-
cers thereof.

Inspection of
chimneys,
boilers, etc.

42. XXXIX. To regulate the construction and inspection of fire-places, chimneys, stoves, stove-pipes, ovens, boilers.⁴

factory or business, and to order the suppression or cleaning thereof when deemed necessary for the prevention of fires; to regulate or prohibit the manufacture, sale, storage or transportation of inflammable or explosive substances within the city, and to prescribe limits within which no dangerous, obnoxious or offensive business shall be carried on.¹

23 May 1889.
Art. V.

Transportation and storage of explosives.

43. XL. To provide a system for the inspection of buildings to insure their structural or sanitary safety and incombustibility, and for the appointment of one or more building inspectors; to prescribe limits within which buildings shall not be constructed, reconstructed, enlarged, or additions made thereto, or into or within which they or any of them shall not be removed, except the same be of incombustible materials, with fire-proof roof; and any building erected, reconstructed, enlarged, or having additions made thereto, or removed into or within such limits contrary to the provisions of any ordinance forbidding the same, shall be a public nuisance, and abatable as such, and may be restrained by injunction.²

Inspection of buildings.

Appointment of building inspectors

Fixing of fire limits.

44. XLI. To provide for and regulate the lighting of the streets with gas or electric lights, or light by other means,³ and to require the numbering of houses.

Lighting of streets and numbering of houses.

45. XLII. To have the exclusive right at all times to supply the city with gas or other light, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon,⁴ and also to have at all times the unrestricted right to make, erect and maintain the necessary buildings, machinery and apparatus for manufacturing and distributing the same, or, in territory not supplied with light, to make contracts with and authorize any person, company or association so to do, and to give such person, company, or association the privilege of supplying gas or other

Exclusive right to supply gas or other light.

Contracts for supply of light.

Limitation of contract.

The power to pass such ordinances being discretionary with councils, the city is not liable, where it has not exercised the power, in an action by a party injured by the combustion of a manufacture of fireworks. *McDade v. Chester*, 117 Pa. 414.

The clause amended as above by Acts May 16, 1901, § 14, P. L. 234, and March 30, 1903, § 3, P. L. 119. See, as to the constitutionality and construction of ordinances prohibiting the erection of frame buildings and ordering their removal, *Fields v. Stokley*, 99 Pa. 306; *Klinger v. Bickel*, 117 Id. 326, and as to the enforcement of the same by injunction, *Williamsport v. McFadden*, 15 W. N. C. 289; *Contas v. Bradford*, 206 Pa. 291.

¹Where a city provides properly constructed and reasonably safe streets it is not bound, in the absence of statutory

command or charter duty, to illuminate them. *Canavan v. Oil City*, 183 Pa. 611; *Horner v. Philadelphia*, 194 Id. 542. The lighting of its streets is not part of its municipal duty. *Baily v. Philadelphia*, 184 Id. 594. A vote to increase the municipal indebtedness for the purpose of establishing an electric light plant is not a bar to the right to enter into a contract for lighting the streets. *Seitzinger v. Electric Co.*, 187 Pa. 539.

⁴The legislature has the constitutional power to authorize a municipal corporation to manufacture electricity for the use of the inhabitants of the municipality. *Linn v. Chambersburg Borough*, 160 Pa. 511. As to effect of a grant by a city to a company of the right to supply light on the reserved right of the city, see *Titusville Electric, etc., Co. v. Titusville*, 196 Pa. 3.

23 May 1889. light as aforesaid for any length of time not exceeding ten
 Art. V. years.¹

Exclusive right
 to supply
 water.

Maintenance of
 water works.

Contracts for
 water supply.

Limitation of
 contract.

Foundations
 and party
 walls.

How party
 wall to be
 laid.

First builder to
 be reimbursed.

Partition
 fences.

How fences to
 be constructed.

46. XLIII. To have the exclusive right² at all times to supply the city with water, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon, and for that purpose to have at all times the unrestricted right to make, erect and maintain all proper works, machinery, buildings, cisterns, reservoirs, pipes and conduits for the raising, reception, conveyance and distribution of water, or, in territory not supplied with water, to make contracts with and authorize any person, company, or association so to do,³ and to give such person, company, or association the privilege of furnishing water as aforesaid for any length of time not exceeding ten years.

47. XLIV. To enter upon the land or lands, lot or lots of any person or persons within the city, at all reasonable hours, by their duly appointed city engineer, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth and thickness thereof,⁴ which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall may use or break into said wall.⁵

48. XLV. To enter upon the land or lands, lot or lots of any person or persons within the city, at all reasonable hours, by their duly appointed city engineer, in order to regulate partition fences:⁶ and when adjoining parties shall improve or enclose their lots, such fences shall be made in the manner generally used, and kept in good repair at the equal ex

of the parties, unless the owners or occupants between such fence is erected shall agree otherwise. ^{23 May 1889.}
Art. V.

XLVI. To make all such ordinances, by-laws, rules and regulations, not inconsistent with the constitution and of this commonwealth, as may be expedient or necessary for the protection to the special powers in this section granted, for proper management, care and control of the city and its streets, and the maintenance of the peace, good government¹ and welfare of the city, and its trade, commerce and manufactures,² and the same to alter, modify and repeal³ at pleasure and to enforce all ordinances by inflicting penalties for violation thereof, not exceeding one hundred dollars⁴ for each offense, recoverable with costs, together with judgment of imprisonment not exceeding thirty days, if the defendant in default of said judgment and costs shall not be paid.⁵

Ordinances, etc., for good government and welfare of city.
Penalties for violation of ordinances.
Limitation.
Imprisonment in default of payment.

Limitation of such general power it must be exercised in a reasonable and constitutional manner. *City v. Borough of Freeport*, 96 Pa. 488; *Betham v. Philadelphia*, 196 Pa. 548.

A municipality cannot by ordinance create a civil duty enforceable at law; that power resides in the courts. *P. & R. R. Co. v. Brvin*, 71 Pa. 71.

A municipal ordinance must be read and for the common benefit. *Chesapeake & Atlantic Coast Steaming Co. v. Chesapeake & Atlantic Coast Steaming Co.*, 4 Super. Ct. R. 575; not be in restraint of trade, nor to impose a burden without an offset to it. *Millerstown v. Bell*, 151 Pa. 151. *Borough of Warren v. Scranton*, 16 Pa. C. C. R. 176. *Scranton*, 28 Super. Ct. R. 260. General laws such as the above confer no right upon a city to appropriate

money for public entertainments or receptions, though the corporation may be made responsible for the pay of special policemen employed to keep order on such occasions. *Bergner v. Harrisburg*, 1 Pears. R. 291. See also *Commonwealth v. Gingrich*, 26 Pa. C. C. R. 579; 10 Dist. R. 747; 21 Super. Ct. R. 286.

¹As to when a later ordinance will be construed as a repeal of an earlier one upon the same subject-matter, see *Commonwealth v. Lebanon*, 7 Dist. R. 163.

²See *Williamsport v. Williamsport Water Co.*, 7 Dist. R. 206. Failure to enforce an ordinance in one case is no legal reason for objection to its enforcement in another. *Wilkesbarre v. Garabed*, 11 Super. Ct. R. 355.

³The clause amended as above by Act of May 16, 1901, § 15, P. L. 234. Imprisonment can be imposed only in default of the payment of fines. *Scranton v. Wetherby*, 3 L. T. 225; and see *Commonwealth v. Scott*, 8 Dist. R. 367.

Damages.

§ MUNICIPAL CLAIMS—SEWERS—STREETS—TOPOGRAPHICAL SURVEY—WATER AND LIGHTING DEPARTMENT.]

ARTICLE FROM AWARD OF DAMAGES.

Constitutional provision requiring compensation for damages for property taken. Trial by jury on appeal. Appeals authorized in all cases of assessment of damages. Limitation. Mode of appeal regulated.

When no appeal is taken and party refuses to accept award, payment may be to court and judgment satisfied. Appeal from report of viewers assessments to court of common pleas. Issue by jury. Appeal to be taken thirty days from decree of confirmation.

Whom appeal to be signed. Affidavit of municipality to be taken with-
 out of city to be accepted as exception.

ASSESSMENT OF DAMAGES AND BENEFITS.

Assessment of damages and benefits for location of lands, etc., in cities of

third class. Petition to court of common pleas. Appointment of viewers. Notice of meeting.

10. Viewers to be sworn. Duties of viewers. To estimate damages and benefits. Report.

11. Court to fix time when reports of viewers to be made. Extension of time for report.

12. Councils to provide for payment of damages. Assessment of damages and benefits. Benefits not to exceed damages. Exceptions. Appeal.

13. Judgment on award of viewers. Execution. Costs. Compensation of viewers.

14. City may tender security in certain cases. Condition of bond. Proceedings upon refusal to accept bond tendered. Security to be filed in court. Recovery to be had thereon.

15. Viewers may be appointed within six years after entry. Appeal from award. To be tried by jury. Notices. Exceptions.

16. Repeal of ordinance prior to appropriation of property. City to be liable for costs only.

17. Proceedings for assessment of damages in pending cases.

I. Appeals from Award of Damages.

Const. 1874.
Art. XVI., § 8.

Constitutional
provision re-
quiring com-
pensation for
damages for
property taken.

Right of trial
by jury on
appeal.

13 June 1874.
§ 1. P. L. 283.

Appeals au-
thorized in all
cases of assess-
ment of dam-
ages.

Limitation.

Id. § 2.

Mode of appeal
regulated.

1. Municipal and other corporations, and individuals, invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The general assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury according to the course of the common law.

2. In all cases of damages assessed against any municipal or other corporation, or individual or individuals, invested with the privilege of taking private property for public use, for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, whether such assessment shall have been made by viewers or otherwise than upon a trial in court, and an appeal is not provided for, or regulated by existing laws, an appeal may be taken by either party to the court of common pleas of the proper county¹ within thirty days from the ascertainment of the damages, or the filing a report thereof in court, pursuant to any general or special act, and not afterwards.²

3. Any appeal taken pursuant to this act shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of his or their agent or attorney, that the

¹ This act was designed to carry into effect the constitutional provision (see

caused by the construction or enlargement of their works, etc., by municipa

same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done. 13 June 1874.

4. When no appeal is taken in accordance with the provisions of the act of thirteenth June, one thousand eight hundred and seventy-four, and judgment is entered in accordance with law, and the party to whom has been awarded damages declines and refuses to accept payment of said award or judgment, then it shall be lawful for such municipal or other corporation, individual or individuals against whom such damages have been assessed, upon proper petition to the court of common pleas of the proper county in which said award or judgment is entered, after notice by rule or publication ordered by said court, to pay the amount of said award and costs into said court, and the court upon such payment to order and direct the satisfaction of said award or judgment by the proper officer. 2 June 1891.
§ 1. P. L. 172.

When no appeal is taken and party refuses to accept award, payment may be made into court and judgment satisfied.

5. Whenever any report of viewers appointed by any court of quarter sessions to assess damages for the opening, widening or change of grade of any street, road or highway, shall be confirmed by the court of quarter sessions to which the said report is made,¹ an appeal may be taken from the said court of quarter sessions by any party aggrieved by the said decree of confirmation to the court of common pleas in said county for a trial of the question of damages by jury, according to the course of common law, within thirty days from the entry of said decree of confirmation by the court of quarter sessions, and not afterwards. 26 May 1891.
§ 1. P. L. 116.

Appeal from report of viewers assessing damages to court of common pleas

Trial of issue by jury. Appeal to be taken within thirty days from decree of confirmation.

6. Any appeal taken in pursuance of this act shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of its, his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done. Id. § 2.

By whom appeal to be signed.

Affidavit.

7. Whenever any court of quarter sessions in this commonwealth shall order any municipal corporation to enter security for the payment of damages for the taking of land for any street, road or highway, the bond of the said municipality shall be taken without sureties. 23 May 1891.
§ 1. P. L. 106.

Bond of municipality to be taken without sureties.

8. In all cases where the several cities of this commonwealth are or shall be required by law to give or tender security in the taking, appropriation, or injury of lands and property, where the same is being acquired for any authorized public use or purpose, the said security may be the bond of the proper city, and be given and tendered without surety or sureties; *Provided, however,* That if it shall appear to the proper court or a law judge thereof, when the said bond is presented for approval, that the power of taxation in the respective city is not sufficient security, the said court or 11 March 1903.
§ 1. P. L. 25.

Bond of city to be accepted as security.

Exception.

¹By the Act of March 27, 1903, P. L. 83, reports of viewers appointed by the court of quarter sessions are to be con-

firmed at the expiration of thirty days from the filing thereof, unless exceptions are filed.

11 Mar. 1903. law judge may require the said city to give or tender bond with surety or sureties.

II. Assessment of Damages and Benefits.

23 May 1889.
Art. XIV., § 1.
P. L. 814.

Assessment of
damages and
benefits for ap-
propriation of
lands, etc., in
cities of third
class.

Petition to
court of com-
mon pleas.

Appointment
of viewers.

Notice of
meeting.

9. Any city of the third class shall have power, whenever it shall be deemed necessary, either in the laying out, opening, widening, extending or grading of streets, lanes or alleys, or in the erection or construction of water, gas or electric light works, slopes, embankments or sewers, or in the changing of water-courses, or for any other purpose authorized by this act,¹ to take, use, occupy or injure private lands, property or materials; and in case the compensation for the damages done or the benefits accruing therefrom have not been agreed upon, the court of common pleas of the proper county, or any law judge thereof in vacation, on application thereto by petition by said city or by any person interested, shall appoint three discreet and disinterested freeholders of the said city as viewers, to view and ascertain the damages done, and the benefits which have accrued by reason of the said taking, use, occupancy or injury, and shall appoint a time not less than twenty, nor more than thirty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained, or the property taken, or on the line of said street or sewer improvement, as the case may be, of which time and place ten days' notice shall be given by the petitioners to the said viewers and to all parties interested, by personal service upon the parties, their agents, attorneys or legal representatives, by publication in one or more newspapers, or by handbills posted upon the premises, or otherwise, as the said court shall direct, having regard to the circumstances of each case.²

10. The said viewers, upon the day of the meeting, shall

occupied or injured, or to be taken, occupied or injured, or the property and materials so used or taken away, as the case may be, and having a due regard to, and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands, property or materials in consequence of the making of the improvements aforesaid, for which the property or materials are to be taken, and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine their value, and whether any, and if any, what amount of damages has been or may be sustained, and to whom the same is payable, and after having determined the damages sustained to all the properties affected by said improvement, together with the benefits as hereinafter mentioned, they shall make report thereof to the said court.

23 May 1889.
Art. XIV.

To estimate
damages and
benefits.

Report.

11. Viewers, or juries of view, appointed by any court of this commonwealth to assess the damages and benefits, due to the taking, injury or destruction of private property, in and by the construction or enlargement of any public work, highway or improvement, shall make their reports within a time which said court shall fix when so appointing them: *Provided*, That if any of the viewers, or juries of view, so appointed, shall for any good and sufficient reason appearing to the court, be unable to file its report within the period so fixed, the said court may, in its discretion, either before or after the expiration of the time fixed, extend the time for the filing of such report to such a time as justice and the circumstances of the case may demand.

18 March 1908.
§ 1. P. L. 26.

Court to fix
time when re-
ports of view-
ers to be
made.

Extension of
time for re-
port.

12. The councils of said cities shall have power to provide by ordinance for the payment of damages sustained by the making of the improvements aforesaid, or by the vacation¹ of any public highway, either by the city, or by assessments upon property benefited by such improvements,² and in the latter case the viewers appointed to assess damages shall also assess upon any property benefited by such improvements, whether said property be immediately adjacent thereto or in the vicinity thereof, such amount for the special advantages which may accrue to the said several properties from such improvements as they may deem proper, and shall report the same to the said court; *Provided*, That assessments for benefits shall not exceed the damages awarded or agreed upon: *And provided further*, That parties assessed for benefits shall have the same right to file exceptions to said report, or to appeal therefrom, as is herein provided for in the case of assessments of damages for property taken.

23 May 1889.
Art. XIV., § 8.

Councils to
provide for
payment of
damages.

Assessment
of damages
and benefits.

Benefits not
to exceed
damages.

Exceptions.

Appeal.

¹Independently of statutory provision there can be no liability for the lawful vacation of a street. *McGee's App.*, 114 Pa. 470.

²As to the test of the constitutionality

of provisions for local assessments and the character thereof as a species of local taxation, see *In Re Vacation of Centre Street*, 115 Pa. 247; *Erie v. Russell*, 148 Id. 384.

23 May 1889.
Art. XIV., § 4.

Judgment on
award of
viewers.

Execution.

Costs.

Compensation
of viewers.

Id. § 5.

City may ten-
der security in
certain cases.

Condition of
bond.

Proceedings
upon refusal to
accept bond
tendered.

Security to be
filed in court.

13. If any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon, as in other cases of debt, for the sum so awarded, but assessments for benefits shall be collected as hereinafter provided.¹ The costs and expenses incurred in the proceedings aforesaid shall be defrayed by the said city, and each of the said viewers shall be entitled to two dollars per day for every day necessarily employed in performance of the duties herein prescribed.

14. In all cases where the parties have not agreed upon the amount of damages claimed, or where by reason of the absence or legal incapacity of the owner or owners no such agreement can be made for lands, property or materials to be taken, occupied or injured, the city shall tender sufficient security² to the party claiming or entitled to any damages, or to the attorney or agent of any person absent, or to the agent or other officer of a corporation, or to the guardian or committee of any one under legal incapacity, the condition of which shall be that the said city shall pay or cause to be paid such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties, or assessed in the manner provided for by this act; *Provided*, That in case the party or parties claiming damages refuse, or do not accept the security so tendered, the said city shall then give the party, his or their agent, attorney or other officer, a written notice of the time when the same will be presented for filing in the court, and thereafter the said city may present said security to the court of common pleas of the county where the lands or other property are situated, and, if approved, the security shall be filed in said court for the benefit

affiant firmly believes that injustice has been done; and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall be tried by said court and a jury, and after final judgment either party may have a writ of error¹ therefrom to the supreme court in the manner prescribed in other cases. The said court of common pleas shall have power to order what notices shall be given in connection with any part of the proceedings, and may make all such orders as it may deem requisite. If any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of, and if allowed, a new view shall be ordered, and if disallowed, the appeal shall proceed as hereinbefore provided.

²³ May 1889.
Art. XIV.
To be tried
by jury.

Notices.

Exceptions.

16. In case any such city shall repeal any ordinance passed or discontinue any proceedings taken, providing for any of the improvements mentioned in the first section of this article, prior to the entry upon, taking, appropriation or injury to any property or materials, and within thirty days after the filing of the report of viewers assessing damages and benefits the said city shall not thereafter be liable to pay any damages which have been or might have been assessed, but all costs upon any proceeding had thereon shall be paid by said city.

Id. § 7.

Repeal of ordinance prior to appropriation of property.

City to be liable for costs only.

17. In all cases where lands or property have been heretofore taken, used, occupied or appropriated for any of the purposes aforesaid within five years last past, or where any ordinance has been passed providing for such taking, using or occupancy, and the damages sustained thereby, or the benefits accruing therefrom, have not yet been legally determined, it shall be lawful to proceed and determine said damages and benefits, and collect the same under the provisions of this article, with the same effect as if said improvements had been undertaken or proceeded in after the passage of this act.²

Id. § 8.

Proceedings for assessment of damages in pending cases.

¹ See the Act of May 9, 1889, P. L. 158, relating to writs of error and appeals to the supreme court, and prescribing the form thereof; also the Act of June 24, 1895, P. L. 212, establishing the superior court and defining its jurisdiction.

² See the Act of May 23, 1889, P. L. 272, "authorizing assessments and re-assessments for the cost of local improvements already made or in process of completion, and providing for and regulating the collection of the same." The act was

remedial in its character, merely, and was pronounced constitutional in *Chester City v. Black*, 132 Pa. 568. See also the remedial Act of June 7, 1897, P. L. 131, providing for the mode of ascertaining damages to property in the opening, widening, straightening or extending of streets, where proceedings have been taken by municipalities under laws subsequently declared unconstitutional, and for the levy and collection of benefits therefor; and Act of April 18, 1899, P. L. 57.

Disorderly Conduct.

1. Disorderly conduct in public places defined. Penalty. Appeal. Recognizance.
2. Fines to be paid to county treasurer quarterly.

3. Disorderly conduct in railway cars, etc. Penalty.
4. Payment over of fines collected.

1. From and after the passage of this act if any person or persons shall willfully make or cause to be made any loud, boisterous and unseemly noise or disturbance to the annoyance of the peaceable residents near by, or near to any public

²⁵ June 1895.
§ 1. P. L. 271.
Disorderly conduct in public places defined.

25 June 1895. highway, road, street, lane, alley, park, square or common¹ within this commonwealth, whereby the public peace is broken or disturbed, or the traveling public annoyed, he, she or they shall be guilty of the offence of disorderly conduct, and upon conviction thereof before any justice of the peace, alderman, mayor or burgess, shall be sentenced to pay the costs of prosecution, and to forfeit and pay a fine not exceeding ten dollars, and in default of the payment thereof shall be committed to and imprisoned in the county jail of the proper county for a period not exceeding thirty days; *Provided, however,* That the defendant or defendants, within five days after such conviction, may appeal to the court of quarter sessions of the county in which said justice of the peace, alderman, mayor or burgess shall reside, without special allowance therefor, upon entering into a recognizance in double the amount of costs and fine, conditioned for the appearance of defendant or defendants at the next term of quarter sessions to answer said charge.²

Penalty.

Appeal.

Recognizance.

Id. § 2.

Fines to be paid to county treasurer quarterly.

2. It shall be the duty of all justices of the peace, aldermen, mayors and burgesses to pay over to the treasurer of their respective counties all fines or forfeits collected by virtue of this act, quarterly, on or before the first Monday of March, June, September and December of each year, and at the expiration of their term of office.

21 May 1901.
§ 1. P. L. 286.

Disorderly conduct in railway cars, etc.

3. If any person or persons shall wilfully make or cause to be made any loud, boisterous and unseemingly noise, or by using obscene or profane language disturb and annoy any one who shall be passengers upon any railroad or railway car, or who may be visitors at any public or private park, or picnic grounds kept for the amusement of the public in this commonwealth, whereby through such conduct the public peace is broken or disturbed or the public annoyed, he, she or they

Dogs.

1. Cities may impose dog tax, etc.

1. Every city of the commonwealth shall have power to ^{10 June 1881.} pass ordinances taxing the owners and harborers of dogs, and ^{§ 1. P. L. 112.} providing for the destroying of all dogs found at large contrary to any ordinance.¹ ^{Cities may impose dog tax, etc.}

¹ By the Act of May 18, 1878, P. L. 72, various local acts applicable to several counties, providing for a system of registration of dogs in the office of the clerk of the court of quarter sessions were extended to all the counties of the state. All dogs registered under those acts were declared to be personal property and made the subjects of larceny, which they were not at common law. By the Act of May 26, 1893, "for the taxation of dogs and the protection of sheep," section 7, P. L. 138, it is declared that "all dogs in this commonwealth shall hereafter be personal property and subjects of larceny," irrespective, it would seem, of registration.

(See *Commonwealth v. Dupuy*, 148 Pa. 201.) Sec. 10 of the act provides that the provisions of any special law relating to the same subject shall not be thereby repealed. The amending Act of April 23, 1901, P. L. 92, relates to the payment over of fines accrued, to the proper school district. The innumerable local acts relating to the taxation of dogs in cities seem to have been wholly supplied by the act in the text which is itself supplied as to cities of the third class by the provision of Section 3, Clause 35 of Article V. of the Municipal Act of May 23, 1889. See title "Corporate Powers," *ante* p. 64, § 38.

Elections.

[See INCOMPATIBLE OFFICES—PUBLIC OFFICERS.]

I. CONSTITUTIONAL PROVISIONS.

1. Qualifications of electors.
2. General elections.
3. Municipal elections.
4. Election districts.
5. Ineligibility of election officers.
6. Trial of contested elections.

II. PRIMARY ELECTIONS.

7. Bribery at nominating conventions or primary elections punished.
8. Acceptance of bribe from candidate for nomination. Penalty.
9. Offer to sell vote at primary election or convention. Penalty.
10. Repeating at primary election, etc. Penalty.
11. Bribery by delegates to nominating conventions. Penalty.

12. Bribery by executive committee or return board. Penalty.

13. Bribery or intimidation of executive committee or return board. Penalty.

14. Officers of primary elections to be sworn. Form of oath.

15. Penalty for acting without taking oath. For violation of party rules. For rejection of qualified vote, or acceptance of unqualified vote. Willful fraud.

16. Repeal. Proviso.

III. RETURNS OF ELECTION OF MUNICIPAL OFFICERS.

17. Mayor to procure certified copy of vote cast for city officers. Certificates to be laid before councils and recorded. Same proceedings in case of special elections. Court to fix polling places.

I. Constitutional Provisions.

1. Every male citizen twenty-one years of age, possessing ^{Const. 1874.} the following qualifications, shall be entitled to vote at all ^{Art. VIII., § 1.} elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact.¹ ^{Qualifications of electors.}

I. He shall have been a citizen of the United States at least one month.

II. He shall have resided in the state one year (or if having previously been a qualified elector, or native born citizen

¹ The section amended as above by action of the legislature in accordance with the constitution, ratified by popular vote at the general election held November 5, 1901. Further amendments to Article VIII., adopted at the same time, authorize

the passage of laws requiring the registration of electors in cities, providing such laws be uniform for cities of the same class, and the holding of elections by other method than by ballot, providing that secrecy in voting be preserved.

Const. 1874.
Art. VIII.

of the state, he shall have removed therefrom and returned, then six months) immediately preceding the election.

III. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

IV. If twenty-two years of age or upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months, and paid at least one month before the election.

Id. § 2.
General elections.

2. The general election shall be held annually on the Tuesday next following the first Monday of November; but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto.

Id. § 3.
Municipal elections.

3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.¹

Id. § 11.
Election districts.

4. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct,² but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.³

Id. § 15.
Ineligibility of election officers.

5. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States, or of this state, or of any city or

filled at an election at which he shall serve, save only to such subordinate municipal or local offices below the grade of city or county offices, as shall be designated by general law.¹

Const. 1874.
Art. VIII.

6. The trial and determination of contested elections of electors of president and vice-president, members of the general assembly, and of all public officers, whether state, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise shall apply to any contest arising out of an election held before its passage.²

Id. § 17.

Trial of contested elections.

II. Primary Elections.

7. Hereafter, if a candidate for any office within this commonwealth shall, directly or indirectly, give, offer, or promise to give or procure any other person to give, offer, or promise to give to any elector any gift or reward in money, goods or other valuable thing, or any security for the payment or the delivery of money, goods or other valuable thing, or any office, emolument or employment, on condition, express or implied, that such elector shall cast, give, retain or withhold his vote, or use his influence at a nominating election or delegate election, or cast, give, or substitute another to cast or give his vote, or use his influence at a nominating convention, for or against the nomination of any particular candidate for nomination, so as to procure such person to be voted for at any election to take place, the person so hiring, procuring, influencing, abetting, endeavoring or offering, either directly or indirectly through others, their aiders or abettors, to procure the person to be voted for by such electors, shall be guilty of

§ June 1881.
§ 1. P. L. 70.

Bribery at nominating conventions or primary elections punished.

¹ See the general election law of June 10, 1803 (Baker ballot law), Sec. 10, Cl. 3, P. L. 423, as amended by the Act of June 26, 1895, P. L. 392, as to the notice required to be given by the sheriff in his election proclamation of the ineligibility of certain officers therein named, to be election officers. This notice must state that "every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this state, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary department of this state or of the United States, or of any city or incorporated district, and also every member of congress and of the state legislature, and of the select or common council of any city, or commissioners of any incorporated district, is by law incapable of holding or exercising at the same time the office or appointment of judge, inspector or clerk of any election

of this commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for, except that of an election officer." The offices of school director and judge of election are not incompatible. *Dauphin County Election*, 11 Phila. R. 645. The election laws of the state in general are a complicated system which is the subject of perpetual alteration by the legislature.

² The several classes of contested elections are defined by the Act of May 19, 1874, P. L. 208, which provides that contested elections of officers elected by counties, cities, townships, boroughs, wards or school districts shall be tried and determined by the court of quarter sessions of the proper county. The act prescribes the mode of proceedings. The costs are payable by the municipality or district, unless the contestant fails to establish his right to the office, in which case they are to be paid by the petitioners. Act April 28, 1899, P. L. 118.

8 June 1881.

a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding three hundred dollars and be imprisoned for a period not exceeding three months.¹

Id. § 2.

Acceptance of
bribe from
candidate for
nomination.

8. If any elector authorized to vote at any public election afterwards to take place within this commonwealth for any office shall, directly or indirectly, accept or receive from any person desiring to be nominated as a candidate for office, or from the friends of any such person, any gift or reward in money, goods or other valuable thing, or any office or employment, under an agreement or promise, express or implied, that such elector shall give or withhold his vote for the nomination of such a person as a candidate for office at such election, or shall accept or receive the promise of any person that he shall thereafter receive any gift or reward in money, goods, position or other valuable thing, if he will vote for the nomination of such a person as a candidate for office, and shall thereafter vote for the nomination of such person, he shall be guilty of a misdemeanor, and, on conviction, shall pay a fine not exceeding three hundred dollars, and be imprisoned for a term of time not exceeding three months.

Penalty.

Id. § 3.

Offer to sell
vote at primary
election or
convention.

9. If any elector shall, directly or indirectly, offer to give his vote or his influence at any nominating election, delegate election or nominating convention, to any person desiring to be nominated as a candidate for office, or to the friends of any such person, in consideration that for such vote or influence he is to receive any gift or reward in money, goods or other valuable thing, or any office or employment, he shall be guilty of a misdemeanor, and, on conviction, shall pay a fine not exceeding three hundred dollars, and undergo a period of imprisonment not exceeding three months.

Penalty.

Id. § 4.

Repeating at

10. If any person not qualified to vote at a general election shall vote at a nominating election held by any political

in like manner and for like reason, agree to abstain from voting for any particular person, [he] shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not more than one hundred dollars, and be imprisoned not exceeding three months. 8 June 1881. Penalty.

12. Any person elected, chosen or acting as a member of the county or executive committee of any party, or as a judge of a return board to count up and cast the votes polled at a primary election held to make nominations for office, or any person appointed a clerk of such return board, who shall directly or indirectly accept, receive, or solicit money, office, appointment, employment, testimonial, reward or other thing of value, or the promise of all or either of them, to influence his vote or action in the discharge, performance, or non-performance of any act, duty or obligation pertaining to such office, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars, and to be imprisoned for a time not exceeding three months. Id. § 6. Bribery by executive committee or return board. Penalty.

13. Any person or persons who shall directly or indirectly, by offer or promise of money, office, appointment, employment, testimonial, reward or other thing of value, or who shall, by threats or intimidation, endeavor to influence a member of a county or executive committee of any party, a judge or clerk of any return board, in the discharge, performance or non-performance of any act, duty or obligation pertaining to such office, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of two hundred dollars, and to undergo imprisonment not exceeding six months. Bribery or intimidation of executive committee or return board. Penalty.

14. From and after the passage of this act it shall be lawful, and it is hereby made the duties of the judges, inspectors and clerks, or other officers of the primary elections, meetings or caucus held for the purpose of nominating candidates for state, city and county offices within the commonwealth of Pennsylvania, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation in the presence of each other, in form as follows, namely: 29 June 1881. § 1. P. L. 128. Officers of primary elections to be sworn.

"I (A. B.), do ——— that I will, as judge, inspector or clerk (as the case may be) at the ensuing election, impartially and faithfully perform my duties in accordance with the laws and constitution of the commonwealth of Pennsylvania, and in accordance with the rules and regulations adopted by the ——— party of the county of ——— for the government of the said primary elections, meetings or caucus, to the best of my judgment and abilities." The oath or affirmation shall be first administered to the judge by one of the inspectors, then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to

Form of oath.

29 June 1881.

any elector offering to vote, as to his qualifications to vote at such election.

Id. § 2.

Penalty for
acting without
taking oath.

For violation
of party rules.

For rejection
of qualified
vote, or ac-
ceptance of
unqualified
vote.

Willful fraud.

Repeal.

Proviso.

15. If any judge, inspector, clerk or other officer of a primary election as aforesaid, shall presume to act in such capacity before the taking and subscribing to the oath or affirmation required by this act, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk or other officer, when in the discharge of his duties as such, shall wilfully disregard or violate the provisions of any rule duly made by the said ——— party of ——— county for the government of the primary elections of the party, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge or inspector of a primary election as aforesaid, shall knowingly reject the vote of any person entitled to vote under the rules of the said ——— party, or shall knowingly receive the vote of any person or persons not qualified as aforesaid, [he] shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk or other officer of a primary election as aforesaid shall be guilty of any willful fraud in the discharge of his duties, by destroying or defacing ballots, adding ballots to the poll other than those lawfully voted, by stuffing the ballot box, by false counting, by making false returns or by any act or thing whatsoever, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, or either, at the discretion of the court.

16. All acts or parts of acts of assembly inconsistent with this act are hereby repealed, except in counties or cities where special acts are in force for the same purpose; *Provided*, That the provisions of this act shall entail no expense to the counties or cities.

spective branch at the next regular meeting succeeding such election, which council shall enter the same among its proceedings. The court of quarter sessions shall appoint the places for holding the municipal and general elections in all of the election districts in each of said cities.¹

¹ By the Act of May 18, 1893, P. L. 106, the court is empowered, upon petition, to change the polling places, and, in its discretion, to appoint an election to determine their location. By the Act of April 14, 1903, P. L. 187, county commissioners are authorized, at any time at least three weeks prior to any general, municipal,

township or special election, "upon a petition of at least ten qualified electors of any township election division, to change the polling place of said township or election division," being also empowered to direct an election in the meantime to determine the question.

Electric Light, Heat and Power Companies.

[See TELEGRAPH AND TELEPHONE COMPANIES.]

1. Electric light, heat and power companies.
2. Corporate powers enumerated. To supply light, heat and power in boroughs, towns, cities or districts. Right of entry upon streets and highways. Not to occupy streets without consent of councils.
3. Unauthorized interference with electrical appliances and machinery of electric light, heat and power companies, prohibited. Act not to interfere with lawful supervision and control of companies, ma-

- chinery, etc., by municipality, or right of councils to pass ordinances regulating companies.
4. Penalty for violation of foregoing provisions.
5. Power of municipality to require electric light wires to be placed under ground. Regulation of use of conduits. Condemnation proceedings. Reserved rights of municipality.
6. Power of court to review ordinance upon appeal. Proviso.

1. [Corporations may be formed for] the manufacture and supply of gas, or the supply of light, heat and power by means of electricity, or the supply of light, heat or power to the public by any other means.

2. Companies incorporated under the provisions of this act for the supply of light, heat and power, or any of them, to the public by electricity, shall, from the date of the letters-patent creating the same, have the powers and be governed, managed and controlled as follows:¹

Clause I. Every such corporation shall have the authority to supply light, heat and power, or any of them, by electricity to the public in the borough, town, city or district where it may be located, and to such persons, partnership and corporations residing therein or adjacent thereto as may desire the same, at such prices as may be agreed upon, and the power also to make, erect and maintain the necessary buildings, machinery and apparatus for supplying such light, heat and

¹ The incorporation of companies for the supply of electric light to consumers was not contemplated by the general corporation Act of 1874, § 2, Cl. XI., P. L. 14, authorizing the incorporation of companies "for the manufacture and supply of gas, or the supply of light or heat to the public by any other means." *Scranton Electric Light and Heat Co.'s App.*, 122 Pa. 154. To remedy the omission the amendment of 1889, published above, was passed. Under this statute companies have no exclusive privileges, and cannot

be chartered to supply electricity to more than a single municipality. *Home Electric Co.*, 11 Pa. C. C. R. 179. Where they locate poles on the side of a country road, compensation must be made to the abutting land-owners. *Haverford Electric Light Co. v. Hart*, 13 Id. 369. The Act of June 2, 1891, P. L. 170, provides for the recovery for damages to trees along the public highways by telegraph, telephone and electric light companies. See title "Telegraph and Telephone Companies," post.

82 ELECTRIC LIGHT, HEAT AND POWER COMPANIES.

8 May 1889.

Right of entry
upon streets
and highways.

Not to occupy
streets without
consent of
councils.

25 June 1895.
§ 1. P. L. 302.

Unauthorized
interference
with electrical
appliances and
machinery of
electric light,
heat and power
companies,
prohibited.

Act not to in-
terfere with
lawful super-
vision and con-
trol of compa-
nies, machin-
ery, etc., by
municipality.

Or right of
councils to
pass ordinances
regulating com-
panies.

Id. § 2.

Penalty for
violation of

power, or any of them, and to distribute the same, with the right to enter upon any public street, lane, alley or highway for such purpose, to alter, inspect and repair its system of distribution; *Provided*, That no company which may be incorporated under the provisions of this act shall enter upon any street in any city or borough of this commonwealth until after the consent to such entry of the councils of the city or borough in which such street may be located shall have been obtained.¹

3. It is hereby made unlawful for any person or persons to connect or disconnect any electrical conductors belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat and power or either of them, or to make any connection with any such electrical conductors for the purpose of using or wasting the electric current; or to in any wise tamper with any meter used to register current consumed, or to interfere with the operating of any dynamo or other electrical appliance of such company, or to tamper with or interfere with the poles, wires or conduits used by such companies, unless such person or persons shall be duly authorized by, or be in the employ of such company; *Provided*, That nothing in this act shall in any way interfere with any lawful supervision and control of electric light and power companies, their electric conductors, appliances, machinery and poles by the municipality within which such companies are doing business, or by the officers of such municipality, nor shall anything in this act interfere with any right now existing in the councils of any municipality to pass ordinances relating to and regulating such electric light and power companies.

4. Any person or persons found guilty of a violation of any of the provisions of section one of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof

municipality, whether expressed in the ordinance or not, the right to regulate, by ordinance, the manner in which such conduit shall be used, and the terms and conditions and rate of rental to be charged for space therein, and also the right to take such conduits, either by purchase, upon agreement of the owners thereof and the municipality, or by condemnation proceedings; in which latter case the court of common pleas, or any judge thereof in vacation, shall, upon petition of the municipal authorities, appoint a jury of seven reputable citizens of the county, not residents of the municipality, and the proceedings shall be the same as are provided by law in the case of the condemnation of land by a railroad company. The municipal authorities shall not have the power to surrender or barter away any rights herein reserved, either by ordinance or contract, or otherwise.

28 April 1908.
Regulation of
use of con-
duits.

Condemnation
proceedings.

Reserved
rights of
municipality.

6. The court of quarter sessions of the proper county shall have the right to review any ordinance passed in pursuance of this act, and to annul such ordinance if deemed to be unreasonable, upon appeal of any person, partnership or corporation interested; *Provided*, That such appeal be taken within thirty days from the approval and advertisement of such ordinance.

Id. § 2.

Power of court
to review ordi-
nance upon
appeal.

Proviso.

Engineer.

[See REGISTRY OF REAL ESTATE—TOPOGRAPHICAL SURVEY.]

1. Election of city engineer. Term. Vacancies.
2. Assistants.
3. Duties of engineer. To prepare plans and estimates. Certificate of municipal improvements. Certificate to be conclusive. To have charge of surveys and regulations.

1. The councils of each of said cities of the third class shall, in joint convention, on the second Monday of April, or as soon thereafter as practicable, elect by the vote of the majority of the members chosen to both branches, a competent civil engineer, who shall be styled the city engineer, and shall serve for a term of three years from the first Monday of May succeeding his election, and until his successor shall be duly qualified. All vacancies shall be filled by councils in like manner for the unexpired term.¹

23 May 1880.
Art. V., § 2.
Ch. 47, P. L.
254.

Election of
city engineer.

Term.

Vacancies.

2. The engineering matters of the city shall be under the superintendence, direction and control of the city engineer, and no department of the city shall employ or retain any additional engineer, except with the previous assent of councils, and the city engineer shall appoint such number of assistants and employes as councils shall authorize by ordinance.

16 May 1901.
§ 36, P. L. 254.
Assistants.

3. The city engineer shall perform such duties as councils shall prescribe with reference to the construction, reconstruction, maintenance and repair of all streets, roads, pavements, sewers, bridges, culverts, and other engineering work. He

Duties of
engineer.

¹The clause amended as above by Act of May 16, 1901, § 16, P. L. 235.

16 May 1901. shall prepare plans, specifications and estimates for all such work undertaken by such city, and shall whenever required furnish councils, the committees thereof, the mayor, public boards, or heads of departments, with reports, information or estimates on any city engineering work, or question submitted by either of them in their official capacities. He shall immediately after the completion of any municipal improvement, the cost and expense of which in whole or in part is to be paid by the abutting property, make a certificate in which he shall state the day or time on which the particular improvement was completed, and shall file the same with the city clerk, who shall enter the said day or time of completion in a book to be by him kept for said purposes, and the said day or time mentioned in said certificate shall be conclusive on all parties as to the time the said work was completed; and the time of completion of the work referred to in this section, and in other parts of the act to which this is an amendment, shall be taken to mean the time of the completion of the whole contract for the improvement. He shall also furnish to said clerk a certificate showing the time on which any such particular improvement was commenced, and such certificate shall be conclusive evidence of the time when the said improvement was begun, and an entry of such date shall be made by said clerk in the books aforesaid. The said city engineer shall also have the charge and direction of all surveys and regulations authorized by any act of assembly or ordinance of such city, and shall perform such other duties as councils shall direct.¹

To prepare plans and estimates.

Certificate of municipal improvements.

Certificate to be conclusive.

To have charge of surveys and regulations.

¹ This and the foregoing section are contained as amendments to Article XVI. of the Act of May 23, 1889, relative to

registry of real estate, but embrace new matter more properly classified under the title to which they are here assigned.

constable of the city, who shall execute the same anywhere within the city, or in the county of which it is part, or elsewhere, as may be provided by law. Warrants shall be returnable forthwith, and every summons shall be returnable in not less than five nor more than eight days from the date thereof, and upon such return the like proceedings shall be had in all cases as are or may be directed by law in relation to summary convictions or proceedings for the recovery of penalties before justices of the peace, with the same right of appeal from any final judgment entered therein.¹ All fines and penalties for the violation of the city ordinances shall be paid over by the magistrate before whom the same are recovered, into the city treasury, monthly, accordingly to a statement thereof, certified by oath or affirmation before the city controller, and filed with him. Any alderman of the city may, at the request of the mayor or acting mayor, where either are for any reason unable to act, attend the mayor's police court, and there perform all such duties and exercise all such powers as to which he has concurrent jurisdiction with the mayor, and for such services shall be allowed his statutory fees; *Provided*, That the city shall not be liable therefor.²

^{23 May 1880.}
Art. VII.

When process
to be return-
able.

Right of
appeal.

Fines to be
paid into city
treasury.

Alderman may
hold mayor's
police court.

City not to be
liable for fees.

2. If any person shall think himself aggrieved by any judgment against him as defendant, by the mayor or any alderman of any of the said cities of the third class, in any action, prosecution or proceeding for any fines, penalties or forfeitures, imposed or enacted by or under any law or statute of this commonwealth relative to the said city, such person may, if the said judgment shall exceed the sum of five dollars, exclusive of costs, appeal from the said judgment to the court of common pleas of the county, in the manner and subject to the same requirements as is provided by law for appeals from justices of the peace.³

^{23 May 1874.}
§ 33. P. L. 248.

Appeals in
cities of third
class, regu-
lated.

3. In all cases of summary conviction in this commonwealth, before a magistrate or court not of record, the defendant may, within five days after such conviction, appeal to the court of quarter sessions of the county in which such magistrate shall reside, or court not of record shall be held, upon entering into good and sufficient recognizance, with one or more sureties, to answer said complaint on a charge of misdemeanor before said court; and either party may also appeal from the judgment of a magistrate, or a court not of record, in a suit for a penalty, to the court of common pleas of the county in which said judgment shall be rendered, upon allow-

^{17 April 1876.}
§ 1. P. L. 29.

Appeals in
cases of sum-
mary convic-
tion.

¹ See *Johnstown v. Rose*, 28 Pa. C. C. R. 188.

² The section amended as above by Act of May 16, 1901, § 22, P. L. 239. In such case the record must show that the alderman is acting by the request of the mayor. *Commonwealth v. Durham*, 11 Dist. R. 663, which see as to the requirements of the docket entries in cases of summary conviction; also *Scranton v. Clark*, 14 Id. 648.

³ Upon a certiorari it is essential to the validity of the magistrate's record that it contain a finding that a specific act has been committed by the defendant, and also that it has been committed within the county. *Noftsker v. Commonwealth*, 8 Dist. R. 572. As to requisites of record in actions for violation of city ordinances, see *City v. Duncan*, 4 Phila. R. 145; *Commonwealth v. Hill*, 3 Dist. R. 216.

17 April 1876.

Costs and
security.28 March 1905.
§ 1. P. L. 61.Maintenance of
prisoners com-
mitted in de-
fault of pay-
ment of fines
to be paid by
municipality.

ance of said court, or any judge thereof, upon cause shown; *Provided*, That all appeals from judgments for penalties shall be upon such terms as to payment of costs, and entering bail, as the court or judge allowing the appeal shall direct.¹

4. Hereafter, when a prisoner shall be committed to any county jail or prison in this commonwealth for the non-payment of a fine or penalty imposed for the violation of a city or borough ordinance, or an ordinance of a township of the first class, the expense of maintaining such prisoner during his confinement by virtue of such commitment shall be borne and paid by the city, borough or township of the first class to which such fine was payable; and the county in which such city, borough or township of the first class is located shall not be liable to the sheriff for such maintenance.

¹ The section amended as above by the Act of April 22, 1905, P. L. 284. This act was passed to carry into effect Section 14 of Article V. of the constitution, and is of general application. *Commonwealth v. McCann*, 38 W. N. C. 1. The inferior magistrate has no authority to allow the appeal; it must be allowed by the court to which the appeal is taken and for cause shown. *McGuire v. Shenandoah*, 109 Pa. 613; *Commonwealth v. Eichenberg*, 140 Id. 158; *Commonwealth*

v. Hendley, 7 Super. Ct. R. 356; *Board of Health v. Decker*, 3 Dist. R. 362; *Wilkesbarre v. Stewart*, 16 Super. Ct. R. 347; *Commonwealth v. Manager of House of Correction*, 10 Dist. R. 371. As to payment of costs on appeal by municipal corporation, see *Commonwealth v. Batdorf*, 7 Pa. C. C. R. 242. Appeals from summary convictions do not entitle the defendant to a trial by jury. *Commonwealth v. Waldman*, 140 Pa. 89.

Fire-Escapes.

1. Certain buildings to be provided with external fire-escapes. Description.

2. Duty of owners, trustees, etc., to erect such fire-escapes. Other devices of escapes may be adopted.

3. Fire-escapes to be examined and approved by fire commissioners and marshal. Certificate of approval to be given. County commissioners to act in certain counties.

4. Penalty for non-compliance with act.

county commissioners. Provision where floors not sub-divided. One of every three windows to be furnished with chain and rope. How ropes to be kept for use.

6. Hotels, factories, etc., to be provided with lights in hallways at night. Alarms or gongs to be kept ready for use. Location of apparatus to be designated by fire commissioners or county commissioners. Certificates of approval to be granted. Chains

pendent of all internal stairways; the number and location of such escapes to be governed by the size of the building and the number of its inmates, and arranged in such a way as to make them readily accessible, safe and adequate for the escape of said inmates; such escapes to consist of outside open iron stairways of not more than forty-five degrees slant, with steps not less than six inches in width and twenty-four inches in length. And all of said buildings capable of accommodating from one hundred to five hundred or more persons as operatives, guests or inmates, shall be provided with two such stairways, and more than two stairways if such be necessary to secure the speedy and safe escape of said inmates in case the internal stairways are cut off by fire or smoke.

2. It shall be the duty of the owner or owners, in fee [or] for life, of every such building, and of the trustee or trustees of every estate, association, society, college, seminary, academy, hospital or asylum, owning or using any such building, and of the board of education, or board of school directors having charge of any such school building, to provide and cause to be securely affixed outside of every such building such permanent external uninclosed fire-escape; *Provided*, That nothing herein contained shall prohibit any person whose duty it is under this act to erect fire-escapes, from selecting and erecting any other and different device, design or instrument, being a permanent, safe, external means of escape, subject to the inspection and approval of the constituted authorities for that purpose.¹

³ June 1885.

Description.

Duty of owners, trustees, etc., to erect such fire escapes.

Other devices of escapes may be adopted.

3. It shall be the duty of the board of fire commissioners, in conjunction with the fire marshal of the district, where such commissioners and fire marshal are elected or appointed, to first examine and test such fire-escape or escapes, and, after upon trial, said fire-escape or escapes should prove to be in accordance with the requirements of section one of this act, then the said fire marshal, in connection with the fire commissioners, or a majority of them, shall grant a certificate approving said fire-escape, thereby relieving the party or parties to whom such certificate is issued from the liabilities of fines, damages and imprisonment imposed by this act; *Provided*, further, That in counties where no such fire marshal or fire commissioners exist, then the county commissioners in each said county shall be the board of examiners, and shall grant certificates of approval when escapes are erected in accordance with the requirements of section one of this act.²

Id. § 2.

Fire escapes to be examined and approved by fire commissioners and marshal.

Certificate of approval to be given.

County commissioners to act in certain counties.

4. Every person, corporation, trustee, board of education and board of school directors neglecting or refusing to comply with the requirements of section one of this act, in erecting said fire-escape or escapes, shall be liable to a fine not ex-

Id. § 3.

Penalty for non-compliance with act.

¹ See, as to the construction of this provision, *Sewell v. Moore*, 166 Pa. 570. The entire section amended as above by the Act of July 12, 1897, P. L. 259.

² See, as to the effect of the certificate of approval and its bearing as evidence, *Sewell v. Moore*, 166 Pa. 570.

§ June 1885. exceeding three hundred dollars, and also be deemed guilty of a misdemeanor, punishable by imprisonment for not less than one month, or more than two months. And in case of fire occurring in any of said buildings in the absence of such fire-escape or escapes, approved by certificate of said officials, the said person or corporations shall be liable in an action for damages, in case of death or personal injuries sustained in consequence of such fire breaking out in said building, and shall also be deemed guilty of a misdemeanor, punishable by imprisonment for not less than six months, nor more than twelve months; and such action for damages may be maintained by any person now authorized by law to sue as in other cases of similar injuries; *Provided*, That nothing in this act shall interfere with fire-escapes now in use approved by the proper authorities.

Liability of owners, civil and criminal, for neglect.

By whom action may be maintained.

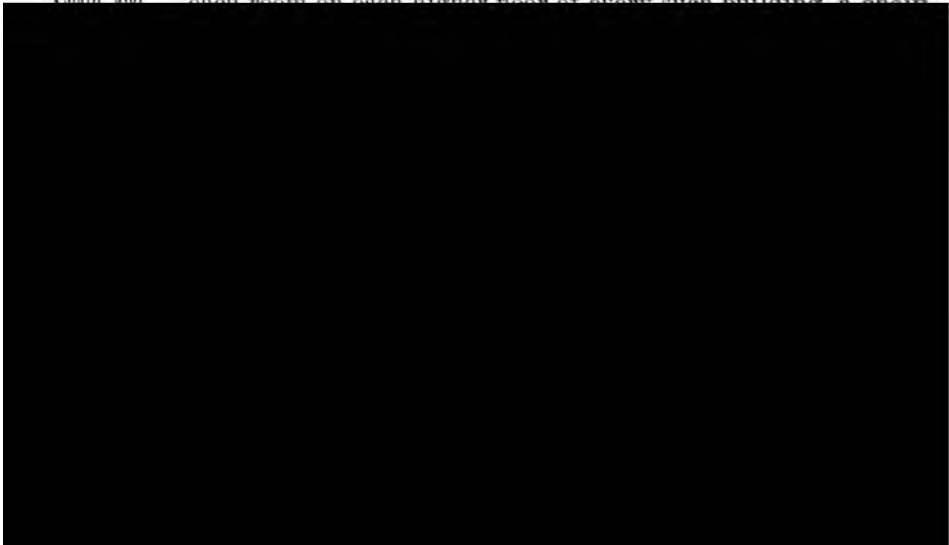
Proviso.

§ June 1885. 5. In addition to the means of escape required in section ~~one~~ of the act to which this is a supplement, it shall be the duty of the owner or owners, in fee or for life, of every building constructed more than two stories high, and used or intended to be used as a hotel, factory, manufactory, work-shop, tenement house, school, seminary, college, academy, hospital, asylum, hall or place of amusement, and of the trustee or trustees of every estate, association, society, college, academy, hospital or asylum, owning or using any building constructed more than two stories high, and used, or intended to be used for any of said purposes, and of the board of education or board of school directors having charge of any building constructed more than two stories high, and used, or intended to be used as a public school, to provide and cause to be securely affixed to a bolt through the wall over the window-head inside of at least one window in each room on the third floor, and in

§ 1. P. L. 65.

Additional means of escape to be provided in certain buildings.

Chain and



commissioners, or by the county commissioners of any county ^{3 June 1886.} having no board of fire commissioners. And each of such ^{How ropes to be kept for use.} ropes shall be coiled and kept in an unlocked box in an unobstructed place, near the inside sill of the window to which such rope is attached.

6. And in all hotels, factories, manufactories, work-shops, ^{Hotels, factories, etc., to be provided with lights in hallways at night.} schools, seminaries, colleges, hospitals, asylums, halls or places of amusement, or other places mentioned in this act, the hallways and stairways shall be promptly [properly] lighted at night, and at the head and foot of each flight of stairs, and at the intersection of all hallways with main corridors, shall be kept during the night a red light; and one or more proper alarms or gongs capable of being heard throughout the building shall always remain easy of access and ready for use in ^{Alarms or gongs to be kept ready for use.} each of said buildings to give notice to the inmates in case of fire. And every keeper of such hotel, factory, manufactory, work-shop, school, seminary, college, hospital, asylum, hall or place of amusement shall keep posted in a conspicuous place in every sleeping room a notice descriptive of such means of escape. And the board of fire commissioners and the county ^{Location of apparatus to be designated by fire commissioners or county commissioners.} commissioners of any county having no board of fire commissioners, shall have the right to designate the location of the chains and ropes, or other such appliance, in conformity with ^{Certificates of approval to be granted.} this act, to be attached to any building under the provisions of this act, and shall grant certificates of approval to every person, firm, corporation, trustees, board of education and board of school directors complying with the requirements of this act, which certificates shall relieve the party or parties to whom the same shall be issued from the liabilities, fines, damages and imprisonment imposed by this act. And the board of fire commissioners and the county commissioners of any county having no board of fire commissioners, may direct that ^{Chains and ropes may be dispensed with in hospitals and asylums.} the foregoing requirements, in so far as they relate to the placing and keeping of chains and ropes in hospitals and asylums may be dispensed with whenever in their judgment the same would be unnecessary.¹

7. Every person, corporation, trustee, board of education and board of school directors neglecting or refusing to comply with the requirements of the first section of this act, shall be liable to a fine not exceeding three hundred dollars, to be collected as fines are now by law collectible, and shall also be deemed guilty of a misdemeanor, punishable by imprisonment for not less than one month, nor more than twelve months. And in case of fire occurring in any such building not provided with the chains and ropes or such other appliances as may be required by any board of fire commissioners, or by the county commissioners of any county where no board of fire commissioners shall exist, in accordance with the requirements with [of] the first section of this act, the person,

¹ So amended by Act of May 9, 1889, P. L. 169.

90 FIRE ESCAPES—FIRE—FALSE ALARM—FIRE MARSHAL.

3 June 1895.

Civil actions
for damages to
be maintain-
able for loss of
life or personal
injuries.

persons, trustee, trustees, corporation, board of education or board of school directors who or which neglected or refused to provide such building with the chains and ropes, or such other appliances as aforesaid, shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building, and such action may be maintained by any person or persons now authorized by law to sue in other cases for injuries caused by neglect of duty.

Fire—False Alarm.

1. Raising of false alarm of fire to be misdemeanor. Penalty.

22 May 1895.
§ 1. P. L. 112.

Raising of false
alarm of fire to
be misde-
meanor.

1. Any person or persons who shall knowingly, wantonly and wilfully give or raise, or cause to be given or raised, a false alarm of fire by ringing of fire bells, or giving any other common or recognized alarm of fire, then and there well knowing the same to be false, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars, and to undergo imprisonment not exceeding one year, both or either, in the discretion of the court.

Penalty.

Fire Marshal.

[See FIRE-ESCAPES.]

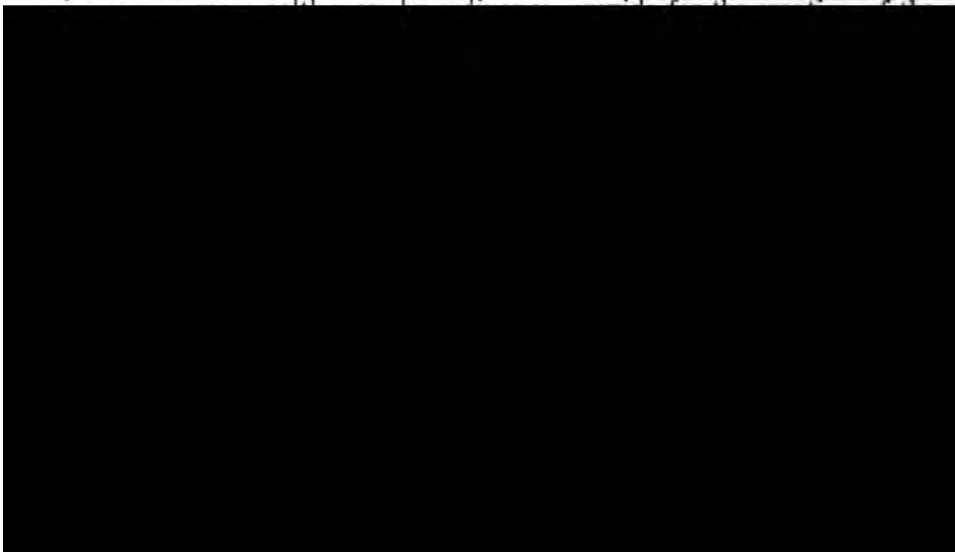
1. Office of fire marshal may be created by ordinance. Powers of marshal in investigating cause of fires. Penalty for obstructing marshal in discharge of his duty.
2. Mayor may issue subpoenas in investi-

gations before marshal. Marshal may administer oaths.

3. Chief of police or chief of fire department may be fire marshal.

24 June 1895.
§ 1. P. L. 263.

1. The councils of every city of the third class in this com-



in said subpoena, then and there to testify, under oath or affirmation, which the fire marshal, in the absence of the mayor, is hereby empowered to administer, as to the origin of the fire occurring within the bounds of such city, and also as to any facts or circumstances that may be deemed important to secure the detection and conviction of any party or parties guilty of the offense of arson or attempted arson.

3. If councils of such city shall by ordinance so provide, the chief of police, or the chief of the fire department of such city, may be made *ex-officio* fire marshal thereof, and in such case all the powers and duties herein given to or imposed upon such fire marshal shall be enjoyed and exercised by such chief of police or chief of the fire department, as the case may be.

24 June 1896.
Marshal may
administer
oaths.

Id. § 3.
Chief of police
or chief of fire
department
may be fire
marshal.

Gas, Heat and Water Companies.

1. Powers of companies chartered under the general corporation act of 1874.
2. Powers of heat, light and fuel companies. Right of eminent domain. Erection of buildings, machinery and apparatus. To occupy streets and highways, subject to local regulations as to grades. Consent of municipal authorities. Distribution of gas regulated.
3. Powers of water companies. Appropriation of streams. Construction of works.

- To conform to street regulations. To make compensation for damages.
4. Franchises of gas companies to be exclusive. Jurisdiction of courts upon complaints of impurity or deficiency of supply.
5. Provision relative to supervisory power of courts extended to all gas and water companies.
6. Practice in such cases.
7. Appeal.
8. Water companies not to exercise eminent domain.

1. Companies incorporated under the provisions of this statute for the supply of water to the public, or for the manufacture and supply of light, heat and fuel, or any of them, by any process of manufacture, shall, unless otherwise provided by this act, from the date of the letters-patent creating the same, have the powers and be managed, governed and controlled as hereinafter provided.¹

29 April 1874.
§ 24. P. L. 98.
Powers of companies chartered under the general corporation act of 1874.

2. I. Where any such company shall be incorporated for the supply of heat, light and fuel, or any of them, by any process of manufacture, it shall have authority to supply such heat, light and fuel, or any of them, to the territory named in its articles of association (which shall never cover more than a single county), and to such persons, partnerships and corporations residing therein, or adjacent thereto, as may desire the same, at such prices as may be agreed upon, and shall have the power of eminent domain to appropriate property, so far as may be necessary to enable it to acquire that which is necessary for its plant (whether the same be in the county named in its articles of association, or elsewhere), and for its lines of distribution; and the power also to make, erect and maintain the necessary buildings, machinery and apparatus for producing heat, light and fuel, or any of them, and to distribute the same; with the right to enter upon any public street, lane, alley or highway, for such purpose, to alter, inspect and repair its system of distribution, doing as little damage as possible.

Powers of heat, light and fuel companies.

Right of eminent domain.

Erection of buildings, machinery and apparatus.

To occupy streets and highways, subject to local regulations as to grades.

¹This paragraph and clauses 1 and 3, *infra*, so amended by the Act of June 2, 1887, P. L. 310.

29 April 1874.

Consent of
municipal
authorities.Distribution
of gas regu-
lated.Powers of
water com-
panies.

age to said streets, lanes, alleys and highways, and impairing the free use thereof as little as practicable, and subject to such regulations as the councils of any borough or city, whose highways may be occupied, shall adopt in regard to grades, or for the protection and convenience of public travel over the same; *Provided*, That no company, which may now or hereafter be incorporated under the provisions of this act, shall enter upon any street, in any city or borough of this commonwealth until after the consent to such entry, of the councils of the city or borough in which such street may be located shall have been obtained.¹ And the said right of eminent domain shall be exercised in the mode prescribed and according to the provisions of the forty-first section of the act, with this proviso, however, that where any such company shall use its system of distribution for the conveyance of gas for any of the purposes aforesaid at a greater pressure than four ounces per square inch of pressure, or where the gas manufactured shall contain more than ten per cent. of carbonic oxide, such system of distribution shall be provided with suitable appliances for preventing, or taking up any leakage, so that danger to life, property and vegetation may be avoided.

3. II. Where such companies shall be incorporated for the supply of water to the public, or for storing and transportation or supply of water and water power for commercial and manufacturing purposes, they shall have power to provide, erect and maintain all works and machinery necessary and proper for raising and introducing into the town, borough, city or district where they may be located a sufficient supply of pure water, or water and water power as aforesaid, and for that purpose may provide, erect and maintain all proper buildings, cisterns, reservoirs, pipes and conduits, for the reception and conveyance of water, or water power, and it shall

HEAT AND WATER COMPANIES.

to such regulations in regard to streets, roads, lanes and other highways, and impairing the free use thereof as little as possible, and subject to such regulations as the councils of said borough, town, city or district may adopt in regard to grades, or for the protection and convenience of public travel over the same; and if any injury be done to private property, the said company shall make compensation therefor in the manner provided for in the forty-first section of this act; *Provided*, That this act shall not apply to private spring or private water supplies.¹

²⁹ April 1

To conform street regulations.

To make compensation for damages.

4. III. The right to have and enjoy the franchises and privileges of such corporation for the manufacture of gas, for light only, shall be an exclusive one² within the district or locality covered by its charter; and no other company shall be incorporated for the manufacture of gas to supply light only to the public until the said corporation shall have from its earnings realized and divided among its stockholders, during five years, a dividend equal to eight per centum per annum upon its capital stock; *Provided*, That said corporations shall at all times furnish pure gas and water, and any citizen using the same may make complaint of impurity or deficiency in quantity, or both, to the court of common pleas of the proper county, by bill filed, and after hearing the parties touching the same, the said court shall have power to make such order in the premises as may seem just and equitable,³ and may dismiss the complaints or compel the corporation to correct the evil complained of.⁴

Franchisees of gas companies to be exclusive.

Jurisdiction of courts upon complaints of impurity or deficiency of supply.

5. That the provisions of the third clause of section thirty-four of the act approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations," which reads as follows; "*Provided*, That the said corporations shall at all times furnish pure gas and water, and any citizen using the same may make complaint of impurity or deficiency in quantity, or both, to the court of common pleas of the proper county, by bill filed, and, after hearing the parties touching the same, the said court shall have power to make such order in the premises as may seem just and equitable, and may dismiss the complaints or compel the corporation to correct the evil complained of," be and the same is hereby extended and made applicable to all gas and water companies incorporated under any of the laws of this commonwealth.

¹⁰ June 1881.
§ 1. P. L. 112.

Provision relative to supervisory power of courts extended to all gas and water companies.

¹ So amended by Act of May 16, 1889, P. L. 226. The Act of June 26, 1895, P. L. 319, makes it a misdemeanor maliciously to interfere or tamper with the property or apparatus of any gas company.
² See *White v. Meadville*, 177 Pa. 643; *Commonwealth v. Illuminating Co.*, 180 Pa. 578; and the amending Act of June 1895, P. L. 266, revoking exclusive of gas companies in existence prior

to the Act of 1874, and accepting its provisions.

³ The supervisory power of the courts conferred by this section does not justify the preparation of a tariff of water rents. *Brymer v. Butler Water Co.*, 179 Pa. 231. See *Schroeder v. Water Co.*, 20 Super. Ct. R. 255; *Commonwealth v. Potter County Water Co.*, 212 Pa. 463.

⁴ This clause amended as above by Act of June 24, 1895, P. L. 267.

10 June 1881.
§ 2.

Practice in
such cases.

6. All proceedings authorized by said proviso shall be in accordance with the rules of equity practice now existing; *Provided*, That all lawful fees and costs accruing in such proceeding shall be taxed and allowed as provided by the equity fee bill in the respective court, and paid by the unsuccessful party.

Id. § 3.

Appeal.

7. Either party may appeal to the supreme court, as in cases in equity.

18 April 1905.
§ 1. P. L. 152.

Water com-
panies not to
exercise emi-
nent domain.

8. No water company hereafter incorporated under any law shall have powers, or exercise the right of eminent domain as respects the appropriation of the streams, rivers or waters of this commonwealth, or any of them, nor the land covered thereby.

Incompatible Offices.*

[See ELECTIONS.]

1. Certain offices to be incompatible.
2. State and federal offices.
3. Penalty for exercising incompatible offices.
4. Justice of the peace and prothonotary.
5. Associate judge and justice of the peace.
6. District attorney not to be eligible to the legislature.
7. County commissioners to be ineligible to certain offices.
8. Aldermen and attorneys not to be prison inspectors.

9. Municipal offices.
10. Members of the legislature not to be councilmen.
11. Councilmen to be ineligible to certain offices.
12. Residence and removal.
13. Councilmen ineligible to offices in choice of councils.
14. And to city and county offices.
15. Members of congress and of the legislature.
16. Who not to be members of the board of health.

15 May 1874.
§ 1. P. L. 136.

Certain offices
to be incom-
patible.

1. Every person who shall hold any office or appointment of profit or trust under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of congress, is hereby declared to be

compatible,¹ every person so offending shall, for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty, nor more than five hundred dollars, at the discretion of the court; one moiety of the said forfeiture to be paid to the overseers, guardians or directors of the poor of the township, district, county or place where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same. 15 May 1874.

4. No person hereafter elected shall be capable of holding and exercising at the same time the office of justice of the peace and that of prothonotary, or clerk of any court. Id. § 4.

5. The offices of associate judge and justice of the peace shall be incompatible with each other. Id. § 5.

6. No district attorney shall be eligible to a seat in the legislature, or to any other office under the laws and constitution of the state, during his continuance in office. Id. § 6.

7. No county commissioner shall be eligible to serve as member of the board of health, or director of the public schools, during his continuance in office. Id. § 7.

8. No alderman or practicing attorney shall be eligible to the office of an inspector of the county prison. Id. § 8.

9. No person shall, at the same time, be a member of more than one of the following bodies, to wit, the city councils, the guardians of the poor, the board of health and the inspectors of the county prison; nor shall any person be a member of any of these bodies who is at the same time a salaried officer under the same, or under any of them. Id. § 9. Municipal offices.

10. It shall not be lawful for any member of either branch of the legislature to hold or to exercise the office of councilman in any incorporated city of this commonwealth. Id. § 10.

11. No member of council of any city shall be eligible to any office, employment or agency directly chosen by councils, or either branch of them, during the term for which he shall have been elected to councils. Id. § 11.

12. Whenever, by the requirements of any law, a particular residence is a necessary qualification for the election or appointment of any officer, a removal from such residence shall operate as a forfeiture of the office. Id. § 12. Residence and removal.

13. No member of said councils shall hereafter hold any office or employment in the choice of said councils during the term for which he shall have been elected.² Id. § 13.

14. Members of councils shall not hereafter hold any city Id. § 14.

¹ Where the constitution or a statute declares that certain disqualifications shall render a person ineligible to a particular office, he must get rid of such disqualification before he is elected or appointed thereto; but if the prohibition extends only to the holding of an incompatible office, it is sufficient if he qualifies by resigning the first position before being sworn to that with which it is de-

clared incompatible. *Commonwealth v. Pyle*, 18 Pa. 519. Where a person holds two incompatible offices he has the right to elect which of them he shall retain. *Commonwealth v. Haeseler*, 161 Id. 92.

² By the Act of May 23, 1895, Sec. 3, councilmen may act as members of the board of revision of taxes and appeals. See title "Assessments." 5 ante p. 18.

15 May 1874.

or county offices in the choice of the people while serving as a member of said councils.¹

Id. § 15.

Members of
congress and
of the legis-
lature.

15. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth; and no member of congress or other person holding any office, except of attorney-at-law or in the militia, under the United States or this commonwealth, shall be a member of either house during his continuance in office. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this state, or any other state.

18 June 1895.
§ 20. P. L. 208.

Who not to be
members of
the board of
health.

16. No justice of the peace, member of council, or other officers, except school directors, constables or election officers, shall at the same time be a member of the board of health of such municipality, or hold any office or appointment under the same.²

¹The offices of poor director and city councilman are incompatible. *Commonwealth v. Bohan*, 10 Kulp 80.

²This section amended as above by the Act of April 3, 1903, P. L. 138.

Incorporation.

1. How cities of third class may be formed. Elections to be held in towns or boroughs. Notice of election. Tickets. Returns. General election laws to govern.

2. If majority against charter, no further proceedings to be had. If majority for char-

ter, governor to issue letters-patent. How boundaries to be defined.

3. Property of towns or boroughs to vest in city. Terms of existing officers. When city government to be organized. Pending suits and claims. Adjustment of existing indebtedness.

23 May 1889.
Art. I., § 1.
P. L. 277.

How cities of
third class may
be formed.

1. Cities of the third class shall be chartered¹ whenever a majority of the electors of any town or borough, or of any two or more contiguous towns or boroughs, situated within the limits of the same county, and having together a population of at least ten thousand, according to the last preceding

that such an election will be held; and at the said general election it shall be the duty of the inspectors and judges of elections within said towns or boroughs to receive tickets, either written or printed, from the electors thereof qualified to vote by the constitution of this state, labelled on the outside, "city charter," and containing on the inside, "for city charter," or "against city charter," and to deposit said tickets in a box to be provided for that purpose; and the tickets so received shall be counted, and a return thereof made to the clerk of the court of quarter sessions of the proper county, and a duplicate return to the secretary of the commonwealth, each duly certified in the manner required by law; and in receiving, counting and making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating general elections; and all the electors, inspectors, judges and clerks voting at, and in attendance upon the elections to be held under the provisions of this act shall be subject to the penalties imposed by the election laws of this commonwealth.¹

²³ May 1889.
Art. I.

Tickets.

Returns.

General election laws to govern.

2. Whenever by the returns of the election in any towns or boroughs aforesaid it shall appear that there is a majority against a city charter, no further proceedings shall be had, and it shall not be lawful to hold another election upon that question in such towns or boroughs for three years thereafter. If it shall appear by the said returns that there is a majority in favor of a city charter, the governor shall issue letters-patent, under the great seal of the commonwealth, reciting the facts, defining the boundaries of the said city, and constituting the same a body corporate and politic by the name of the city of ———; and the corporate authorities of any such towns or boroughs shall, within sixty days after such election, furnish to the secretary of the commonwealth the necessary information in regard to the boundaries of the said city.

Id. § 2.

If majority against charter, no further proceedings to be had.

If majority for charter, governor to issue letters-patent.

How boundaries to be defined.

3. All the property and estates whatsoever, real and personal, of the towns or boroughs which shall have thus become a city of the third class, are hereby severally and respectively vested in the corporation or body politic of said city, by the name, style and title given thereto as aforesaid, and for the use and benefit of the citizens thereof forever; and the charters of the said towns or boroughs shall continue in full force and operation, and all officers under the same shall hold their respective offices until the first Monday of April following the third Tuesday of February next succeeding the issuing of letters-patent to the said city, at which time the officers of said city chosen at the preceding municipal election shall enter upon their respective terms of service, and the city government shall be duly organized under this act.² All suits, prosecutions, debts and claims whatsoever shall thereupon become

Id. § 3.

Property of towns or boroughs to vest in city.

Terms of existing officers.

When city government to be organized.

¹The section amended as above by the Act of April 10, 1905, P. L. 127.

²By necessary implication the city

charter meanwhile remains in abeyance. *Commonwealth v. McGroarty*, 148 Pa. 606.

23 May 1889.
Art. I.

Pending suits
and claims.

Adjustment
of existing
indebtedness.

transferred to the said city, which, in all suits pending, shall be substituted as party therein, and be under the management and control thereof, as fully and completely as if no alteration had been made in the said charter; and all claims and demands of whatsoever nature, whether payable presently or in future, existing against the said towns or boroughs when the said charter shall go into operation, shall, by force thereof, be recoverable from or against the said city; *Provided*, That where two or more towns or boroughs shall, under the provisions of this act, be consolidated into a city, the debt or debts of each of said towns or boroughs contracted prior to such consolidation shall be paid by such towns or boroughs respectively, and for the liquidation of such debts the authorities of such city shall have power to adjust and provide for the same, and to levy separate rates of taxation on all property subject to taxation within the boundaries of the said towns or boroughs respectively.

Indebtedness.

[See ANNEXATION OF TERRITORY—BONDS—SINKING FUND.]

I. CONSTITUTIONAL PROVISIONS.

1. Limitation of municipal indebtedness.
2. Tax for payment of municipal debt.

II. INCREASE OF INDEBTEDNESS.

3. Indebtedness of municipality not to exceed seven per cent. of the assessed valuation. Penalty. Exception.

4. Debt equal to two per cent. on the valuation may be incurred. Bonds to be issued therefor. When principal to be payable. Annual tax to be levied. Application thereof.

5. Officers to prepare and file certain statements. Penalty for neglect. Copies to be evidence. Sale of bonds.

8. On majority against increase, no other election to be held for one year. How increase to be made, on affirmative vote. Annual tax to be levied.

9. Indebtedness defined.

10. Annual statements to be published.

11. How ordinances for borrowing money to be passed. Two-thirds vote required. Purpose of loan to be stated. Tax to be provided for, to pay interest and principal.

III. REFUNDING AND REDEMPTION OF INDEBTEDNESS.

12. New bonds may be issued for existing indebtedness. Exemption of bonds from

centum in the aggregate at any one time, upon such valuation.¹

Const. 1874.
Art IX.

2. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest, and also the principal thereof, within thirty years.

Id. § 10.

Tax for payment of municipal debt.

II. Increase of Indebtedness.

3. Whenever the debt of any county, city, borough, township, school district, or other municipality or incorporated district within this commonwealth shall be equal to seven per centum upon the assessed value of the taxable property, as fixed by the last preceding assessed valuation therein,² it shall be unlawful to increase the same, and all such increase shall be void, and any obligation issued for such increase, or any part thereof, shall be of no binding force upon such municipality or district; and each of the officers thereof wilfully authorizing such increase, or executing any obligation therefor, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding ten thousand dollars, and undergo an imprisonment not exceeding one year, or either, at the discretion of the court trying the same; *Provided*, That any city, the debt of which now exceeds seven per centum of such assessed valuation, may, under authority of law, to be hereafter enacted, increase the same three per centum in the aggregate, at any one time, upon such valuation.

20 April 1874.
§ 1. P. L. 65.

Indebtedness of municipality not to exceed seven per cent. of the assessed valuation.

Penalty.

Exception.

4. Any county, city, borough, school district, or other municipality or incorporated district may incur debt, or increase its indebtedness, to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, as fixed and determined by the last

Id. § 2.

Debt equal to two per cent. on the valuation may be incurred.

¹The provision of the last clause of this section was of a temporary character; if a city whose indebtedness at the adoption of the constitution exceeded the seven per cent. limit subsequently reduced its debt below that limit, it could thereafter create or increase indebtedness in the same manner only as all other cities of the commonwealth. *Pepper v. Philadelphia*, 181 Pa. 566. Where the indebtedness of a city has reached the limit fixed by this section, it can incur no new obligations whatever which it does not possess the means to pay out of its current revenues. *City of Erie's App.*, 91 Pa. 398. Bonds issued to fund a debt incurred contrary to the constitutional provision are worthless, and no action against the corporation can be maintained thereon. *Millerstown v. Frederick*, 114 Id. 435. The amount due under the annual contracts and engagements of a municipality, not overreaching its current revenues, is not to be reckoned as an increase of indebtedness under the constitutional provision. *Wade v. Oakmont Borough*, 165 Id. 479; *Reuting v. Titus-*

ville, 175 Id. 512. Nor bonds issued to refund indebtedness incurred prior to 1874. *Hirt v. City of Erie*, 200 Pa. 223. But where the debt exceeds the constitutional limit, a contract for the purchase of the plant of a water works, to be paid for in twenty annual installments out of the current revenues, is in violation of the constitutional restriction. *Brown v. Corry*, 175 Id. 528. See, as to the further construction of the above section, *Wheeler v. Philadelphia*, 77 Pa. 338; *Pike County v. Rowland*, 94 Id. 238; *Wilkesbarre's App.*, 109 Id. 554; *Millvale Borough*, 162 Id. 374; *Pepper v. Philadelphia*, *supra*; *Houston v. Lancaster City*, 191 Pa. 143; *Royce v. Columbia Borough*, 192 Id. 146; *Addyston Pipe and Steel Co. v. Corry*, 197 Id. 41; *Davis v. Borough*, 81 Pitts. R. 145; *Keller v. Scranton*, 200 Pa. 130; 202 Id. 586; *Hirt v. City of Erie*, 200 Id. 223; *Dolan v. Lackawanna Township*, S. D. App., 10 Dist. R. 694.

²This means the valuation according to the city, not the county assessment. *Bruce v. Pittsburgh*, 166 Pa. 152.

<u>20 April 1874.</u>	preceding assessed valuation thereof, ¹ and the corporate authorities of such municipality may, by a vote thereof, duly recorded upon its minutes, authorize and direct the incurring or the increase of such debt to the amount aforesaid, and may
Bonds to be issued therefor.	issue coupon bonds or other securities therefor, in sums not less than one hundred dollars each, bearing interest at a rate
When principal to be payable.	not exceeding six per centum per annum, payable semi-annually, and the principal thereof reimbursable at a period not exceeding thirty years from the date at which the same is
Annual tax to be levied.	authorized. And an annual tax, commencing the first year after such debt shall be increased or incurred, sufficient for
Application thereof.	the payment of the interest thereon, and the principal of such debt within a period not exceeding thirty years from the date of such increase shall be forthwith assessed. ²
Officers to prepare and file certain statements.	5. Before issuing any such obligation or security, it shall be the duty of the principal officer or officers of such municipality or incorporated district, to prepare a statement, showing the actual indebtedness of such district, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, the form, number and date of maturity of the obligations to be issued therefor, and he shall make and append thereto his oath or affirmation of the truth of the facts therein stated, and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county; upon failure so to do, he shall
Penalty for neglect.	be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in the first section of this act. Certified copies of the record of such statement, under the seal of
Copies to be evidence.	said court, shall be competent evidence in all the courts of this commonwealth; <i>Provided</i> , That the bonds shall not be
Sale of bonds.	sold at less than their par value. ³

Id. § 3. 6. The indebtedness of any county, city, borough, town,

increase of indebtedness, they shall give notice, during at least thirty days, by weekly advertisements in the newspapers, not exceeding three in said district, and if no newspaper be published therein, by at least twenty printed handbills posted in the most public parts thereof, of an election to be held at the place or places of holding the municipal elections in said district or municipality, on a day to be by them fixed, for the purpose of obtaining the assent of the electors thereof to such increase of indebtedness.¹

7. Said notice shall contain a statement of the amount of the last assessed valuation, of the amount of the existing debt, of the amount and percentage of the proposed increase, and for [of] the purposes for which the indebtedness is to be increased. Such election shall be held at the place, time and under the same regulations as provided by law for the holding of municipal elections; and it shall be the duty of the inspectors and judges of such elections to receive tickets, either written or printed, from electors qualified under the constitution of this state to vote in such district, labeled on the outside, "increase the debt," and containing in the inside the words, "no increase of debt," or "debt may be increased," also briefly the purpose and amount of increase, and to deposit said tickets in a box provided for that purpose, as is provided by law in regard to other tickets received at said election; and the tickets so received shall be counted, and a return thereof made to the clerk of the court of quarter sessions of the proper county, duly certified, as is required by law, together with a certified copy of the ordinance and the advertisement; and the said clerk shall make a record of the same, and furnish a certified copy thereof, under seal, showing the result, to the corporate authorities of such municipality, and the same shall be placed of record upon the minutes thereof. The corporate authorities of such municipality shall in all cases fix the time of holding such election on the day of the municipal or of the general election, unless more than ninety days elapse between the date of the ordinance or vote desiring such increase, and the day of holding the said municipal or general election. If any other day be fixed for such election, the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held. In receiving and counting, and in making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating municipal elections; and the vote shall be counted by the court as is now provided by general laws governing municipal elections, and all the penalties of the said election laws, for the violation thereof,

20 April 1874.
Notice to be given.

Date of election.

Form of notice.

Where election to be held.

Mode of conducting election.

Tickets.

Returns.

To be recorded.

When election to be held.

Expenses.

General election laws to be applicable.

¹ The question must be solely upon the increase of the debt; councils cannot introduce any other question into the issue. *Bloomsbury Election*, 4 Dist. R. 671. The Act of June 23, 1897, P. L. 201, validates municipal bonds issued pursuant to

a vote of the people in cases where notice of the election was not published in the newspapers of the district in the manner required by the provisions of the above section of the Act of 1874.

20 April 1874.

are hereby extended to, and shall apply to the voters, inspectors, judges and clerks voting at, and in attendance upon the elections held under the provisions of this act.¹

Id. § 4.

On majority
against in-
crease, no
other election
to be held for
one year.

8. Whenever, by the returns of such election, it shall appear that there is a majority voting for "no increase of debt," such increase shall not be made, nor shall any other election upon the same subject be held in that municipality for one year² from the date of such preceding election. If the return of such election shall show a majority voting that "debt may be increased," the corporate authorities of the municipality may increase the same to the amount named and specified in the notice given for the holding of such election, not exceeding seven per centum of the last assessed valuation of such municipality, in the manner and subject to all the requirements provided by the second section of this act for increasing indebtedness to an amount not exceeding two per centum of the last assessed valuation, including the amount named in the sworn statement to be filed in the office of the clerk of the court of quarter sessions of the proper county; and they shall, before issuing any obligations therefor, assess and levy an annual tax, the collection whereof shall commence the first year after the said increase, which tax shall be equal to and sufficient for and applied exclusively to the payment of the interest and the principal of such debt, within a period not exceeding thirty years from the date of such increase; and the moneys arising from such tax shall be applied at such periods as the municipality may stipulate in such obligations, to the redemption at par of the said outstanding obligations, according to their terms.³

How increase
to be made, on
affirmative
vote.

Annual tax
to be levied.

Id. § 5.

Indebtedness
defined.

9. The word "indebtedness," used in this act, shall be deemed, held and taken to include all and all manner of debt, as well floating as funded, of the said municipality and the

publish in at least two newspapers of said municipality, or of the county in which the same is situate, if so many be printed therein, a statement showing in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property therein, the assets of the corporation, with the character and value thereof, and the date of maturity of the respective forms of funded debt thereof; and a neglect or failure so to do shall be a misdemeanor, punishable by fine not exceeding one thousand dollars.¹

11. Whenever by the constitution and laws of this commonwealth any city of the third class shall be authorized to increase its indebtedness by borrowing money on the faith and credit of said city, the proposed ordinance to effect the loan shall be introduced at a stated meeting of the common council, and the draft thereof published in at least two of the newspapers of the city, if so many be published therein, once a week for four weeks before the final consideration and passage thereof by the said common council; and at any stated meeting of the select council, held at least one week after the final consideration of such ordinance by the common council, the select council may consider and act upon the same; but the select council shall not originate any ordinance for borrowing money, and no loan shall be authorized except by the vote of two-thirds of the whole number of members of each council. The specific purpose or purposes for which the said loan is authorized shall be distinctly set out in the said ordinance, and the moneys received for said loan shall not be used for any purposes other than those so stated; and the said city shall, at or before the time of authorizing the said loan [provide] for the collection of an annual tax sufficient to pay the interest and also the principal of the said loan within thirty years.²

²⁰ April 1874.

²³ May 1889.
Art. XVIII.,
§ 2. P. L. 331.

How ordinances for borrowing money to be passed.

Two-thirds vote required.

Purpose of loan to be stated.

Tax to be provided for, to pay interest and principal.

III. Refunding and Redemption of Indebtedness.

12. Any of the said cities of the third class may, in the manner prescribed by law, redeem its existing bonded indebtedness as fast as the same may become due and payable, by the issue of new bonds therefor, bearing interest at a rate not exceeding six per centum per annum, redeemable in not less than five years, and payable at any time not exceeding thirty years from the date of issue thereof, at the option of the said city. Said bonds shall be exempt from all taxation except for state purposes.

13. The existing indebtedness of any such municipality evidenced by outstanding bonds or certificates of indebtedness

²³ May 1889.
Art. XVIII.,
§ 3. P. L. 331.

New bonds may be issued for existing indebtedness.

Exemption of bonds from taxation.

²⁰ April 1874.
§ 7. P. L. 68.

¹ So amended by Act of April 12, 1875, P. L. 46.

² This section supplies the provisions of sec. 59 of the Act of May 23, 1874, P. L. 270, taken in connection with those of

sec. 11 of the same act. P. L. 234, prescribing the mode in which loan ordinances in cities of the third class shall be considered and passed.

20 April 1874.

Reissue of
bonds for ex-
isting indebt-
edness.

Funding of
floating debt.

heretofore issued, may be provided for as the same shall mature, by a re-issue of bonds or certificates of indebtedness to the holders of said outstanding bonds or certificates, or by the issue and sale, at not less than par, of new bonds or certificates; and the present floating indebtedness of any such municipality may be funded by the issue and sale, at not less than par, of bonds or certificates of indebtedness, in sums not less than one hundred dollars each; *Provided*, That no such bonds or certificates shall be issued for a longer period than thirty years from the date thereof. And it shall be the duty of the proper corporate authorities of such municipality to provide for the payment of principal and interest of all such bonds in the manner pointed out in the fourth section of this act.

14 April 1881.
§ 1. P. L. 10.

Payment of
existing in-
debtedness.

14. In all cases where any county, city, borough, municipality or school district in this commonwealth has, by virtue of any general or special act of assembly, issued bonds or other interest-bearing evidences of indebtedness, with or without interest coupons attached, to secure any indebtedness of any such county, city, borough, municipality or school district which may have matured but remain unpaid and uncanceled, or are about to mature and become payable; or whenever any county, city, borough, municipality or school district shall have the option to redeem or pay any such bonds or interest-bearing evidences of indebtedness; or whenever holders of any bonds or interest-bearing evidences of indebtedness of any county, city, borough, municipality or school district which may not have matured or become redeemable are willing to surrender the whole or any part of such issue of bonds or interest-bearing evidences of indebtedness, it shall be lawful for any such county, city, borough, municipality or school district, for the purpose of redeeming or paying off any or all

that such an election will be held; and at the said general election it shall be the duty of the inspectors and judges of elections within said towns or boroughs to receive tickets, either written or printed, from the electors thereof qualified to vote by the constitution of this state, labelled on the outside, "city charter," and containing on the inside, "for city charter," or "against city charter," and to deposit said tickets in a box to be provided for that purpose; and the tickets so received shall be counted, and a return thereof made to the clerk of the court of quarter sessions of the proper county, and a duplicate return to the secretary of the commonwealth, each duly certified in the manner required by law; and in receiving, counting and making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating general elections; and all the electors, inspectors, judges and clerks voting at, and in attendance upon the elections to be held under the provisions of this act shall be subject to the penalties imposed by the election laws of this commonwealth.¹

^{23 May 1889.}
Art. I.

Tickets.

Returns.

General election laws to govern.

2. Whenever by the returns of the election in any towns or boroughs aforesaid it shall appear that there is a majority against a city charter, no further proceedings shall be had, and it shall not be lawful to hold another election upon that question in such towns or boroughs for three years thereafter. If it shall appear by the said returns that there is a majority in favor of a city charter, the governor shall issue letters-patent, under the great seal of the commonwealth, reciting the facts, defining the boundaries of the said city, and constituting the same a body corporate and politic by the name of the city of —; and the corporate authorities of any such towns or boroughs shall, within sixty days after such election, furnish to the secretary of the commonwealth the necessary information in regard to the boundaries of the said city.

Id. § 2.

If majority against charter, no further proceedings to be had.

If majority for charter, governor to issue letters-patent.

How boundaries to be defined.

3. All the property and estates whatsoever, real and personal, of the towns or boroughs which shall have thus become a city of the third class, are hereby severally and respectively vested in the corporation or body politic of said city, by the name, style and title given thereto as aforesaid, and for the use and benefit of the citizens thereof forever; and the charters of the said towns or boroughs shall continue in full force and operation, and all officers under the same shall hold their respective offices until the first Monday of April following the third Tuesday of February next succeeding the issuing of letters-patent to the said city, at which time the officers of said city chosen at the preceding municipal election shall enter upon their respective terms of service, and the city government shall be duly organized under this act.² All suits, prosecutions, debts and claims whatsoever shall thereupon become

Id. § 3.

Property of towns or boroughs to vest in city.

Terms of existing officers.

When city government to be organized.

¹The section amended as above by the Act of April 10, 1905, P. L. 127.

²By necessary implication the city

charter meanwhile remains in abeyance. *Commonwealth v. McGroarty*, 148 Pa. 606.

Legislative Department.

[See ORDINANCES—TERMS OF MUNICIPAL OFFICERS—PUBLIC OFFICERS.]

1. Councils of cities of third class. Eligibility of members.

2. Qualifications of councilmen. Terms of members. Number of members. Proviso. Not to receive compensation.

3. First election of councilmen. Vacation of terms of existing officers.

4. Ballots to specify terms. Tie vote. Vacancies to be filled for unexpired term. Special elections. Mayor to give notice.

5. Terms of city and ward officers. Elections to fill vacancies.

6. Date for organization of councils. Inauguration of mayor.

7. City officers to take constitutional oath. On refusal to take oath, office to be forfeited. Penalty for violation of oath.

8. Councilmen to take constitutional oath. How administered. Councils to judge of qualifications of members. Contested elections. Rules of proceeding. Sessions to be public. Quorum. Vacation of seats of members for misconduct, etc.

9. Stated meetings. Special meetings. Notice of meetings.

10. Each branch to keep journal. Voting to be viva voce. Yeas and nays, when to be entered. No member to withhold vote.

11. Ordinances and resolutions to be approved by mayor. Veto. Passage of ordinance or resolution over veto. Vote to be by yeas and nays. Ordinance or resolution to be returned by mayor within fifteen days. Items of appropriation bills may be vetoed.

12. Proof of ordinances. When printed by authority, to be evidence. Penal ordinances to be published. Ordinances to be certified and recorded.

13. Fiscal year. Financial statement to be published annually. What statement to contain.

14. Annual estimates of receipts and expenditures. Interest, salaries and ordinary expenses to be first provided for. Tax rate to be based upon appropriations. Appropriations to be limited to receipts.

15. Joint sessions of councils. Quorum.

16. Councilmen privately interested in pending measure not to vote thereon. Penalty for so voting.

17. City officers not to be sureties for each other. Penalty.

18. Purchase of city warrants, etc., below face amount forbidden. Penalty.

19. Councils to prescribe number, duties and compensation of city officers. Extra compensation forbidden. Penalty for payment of unauthorized claims.

20. Councils authorized to issue subpoenas and compel attendance of witnesses and production of books, papers, etc., in investigations. Proceedings where witness refuses to testify, etc. Facts to be reported to court. Hearing and order. Commitment for contempt.

21. Liability of witness for perjury. Mileage and compensation.

22. Existing councils declared legally constituted. Ordinances and resolutions validated. Proviso.

23. Repeal. Existing officers continued and ordinances validated.

24. Councils to pass necessary ordinances.

25. Cities having but one branch of councils.

23 May 1880.
Art. IV., § 1.
P. L. 282.

Councils of
cities of
third class.

1. The legislative power of every city of the third class shall be vested in the councils thereof, which shall consist of two branches, the select and [the] common council. No officer of the United States, or of the state of Pennsylvania (except notaries public or officers of the militia), nor any muni-

each ward, and that in cities containing four wards or less, there shall be elected one select councilman at large. Members of councils shall receive no compensation for their services.¹

²³ May 1890.
Art. VI.
Not to receive compensation.

3. At the first election held under this act the members of select council from odd numbered wards shall be chosen for two years, and those from even numbered wards shall be chosen for four years, and the members of common council from odd numbered wards shall be chosen for one year, and those from even numbered wards shall be chosen for two years, and thereafter members of the select council shall be chosen for four years, and members of [the] common council for two years, respectively. The term of mayors, controllers and treasurers and all members of councils now in office, in each of said cities, shall cease and determine on the first Monday of April next succeeding the date of the first election held under this act, and their successors shall be chosen as herein provided on the third Tuesday in February preceding thereto.

Id. § 2.
First election of councilmen.

4. Where members of councils are to be chosen at the same election for different terms, the ballots shall specify the respective terms,² and in case of a tie vote between two or more candidates having the highest number of votes for the same office, such candidates shall, in the presence of the branch, determine by lot which of them shall be entitled to hold the same. In all cases of vacancies occurring in any other manner than by the expiration of the term, the member or members elected to fill the same shall serve for the unexpired term of his or their predecessor or predecessors, and in case of vacancies arising by reason of the creation of a new ward, the member or members elected for such new ward shall serve for the same length of time as the unexpired terms of councilmen for like numbered wards, odd or even, as the case may be. Special elections to fill vacancies shall be held in the respective wards, in the manner provided by law,³ upon such date as shall be fixed by the branch in which the same shall occur, of which at least ten days' previous public notice shall be given by the mayor by proclamation.⁴

Vacation of terms of existing officers.

Id. § 3.
Ballots to specify terms.
Tie vote.

Vacancies to be filled for unexpired term.

Special elections.

Mayor to give notice.

5. The terms of members of councils and all other city and ward officers of said cities, except aldermen, elected upon the third Tuesday of February in any year, shall begin on the first Monday of April next ensuing thereto, and shall continue for the period fixed by law for the duration thereof in each particular case; and all elections for officers whose terms

²³ May 1890.
Art. IV., § 16
P. L. 285.

Terms of city and ward officers.

Elections to fill vacancies.

¹ An exception is made in Art. XV., § 5, of the act, as amended by the Act of May 23, 1895, prescribing a per diem compensation for councilmen serving as members of the board of revision of taxes and appeals. See title "Assessments," § 6, *ante*, p. 14. Though not entitled to compensation for services, general or special, councilmen may be reimbursed for moneys spent when delegated by councils to go to a certain place in performance of

their duties, but such bills should be itemized. *Olyphant Borough Case*, 6 Lackawanna L. N. 206.

² See *Milligan's App.*, 96 Pa. 222; *Contested Election of Gilleland*, Id. 224.

³ The expenses of such special elections must be borne by the county in which the city is situated. *Johnston v. Cambria County*, 21 Pa. C. C. R. 199.

⁴ The section amended as above by Act of May 16, 1901, § 17, P. L. 285.

23 May 1889.
Art. IV.

Id. § 17.

Date for or-
ganization of
councils.

Inauguration
of mayor.

Id. § 15.

City officers to
take constitu-
tional oath.

On refusal to
take oath,
office to be
forfeited.

Penalty for
violation of
oath.

23 May 1889.
Art. VI., § 4.
P. L. 296.

Councilmen to
take constitu-
tional oath.

How admin-
istered.

Councils to
judge of
qualifications
of members.

Contested
elections.

Rules of pro-
ceeding.

Sessions to

will expire on the first Monday of April shall be held on the third Tuesday of February next preceding thereto.

6. The members of councils of the several cities of the third class shall assemble in their respective places of meeting, for the purpose of organization, at ten o'clock in the forenoon of the first Monday of April in each year, and the mayors of said cities shall be inaugurated and take the oath of office at twelve o'clock noon of the same day, at the commencement of their respective terms.

7. All officers of the several cities of the third class, whether elected or appointed, shall, before entering upon their respective duties, take and subscribe the oath prescribed by section first of article seven of the constitution of this commonwealth.¹ Any person refusing to take such oath shall forfeit his right to the office, and any person guilty of a violation thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, or either, at the discretion of the court.²

8. Members of councils shall take the oath hereinbefore prescribed for city officers,³ which oath shall be administered to the president-elect of each branch by the mayor or some other person authorized by law to administer oaths, and by the president to the members-elect and officers of the respective branch. Each branch shall judge of the qualifications of its members,⁴ and contested elections shall be determined by the courts of law, in such manner as shall be directed by law, and each branch may determine the rules of its proceedings, which shall not be inconsistent with any joint rule adopted by the two branches. The sessions of councils shall be public, and a majority of each branch shall constitute a quorum, but

a less number may adjourn from time to time, and shall have

9. The select and common councils of each of said cities shall hold stated meetings at least once in each month, at such time as may be fixed by ordinance, and either branch may hold special meetings at such other time as the mayor, the president, or any five members may deem proper to call the same, upon twenty-four hours' notice to each member, which notice shall state whether such meeting is to be convened for special or general business.

23 May 1880.
Art. VI., § 5.

Stated meet-
ings.

Special meet-
ings.

Notice of
meetings.

10. Each branch shall keep a journal of its proceedings, which shall be at all times open to public inspection. All voting in either council, or in joint convention of both councils, shall be viva voce, and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journal. Except where he shall be personally or privately interested, no member shall withhold his vote on any measure or question, unless he shall state his reasons therefor to the branch, which may excuse him and enter the reasons upon the journal.

Id. § 6.

Each branch
to keep
journal.

Voting to be
viva voce.

Yeas and nays,
when to be
entered.

No member to
withhold vote.

11. Every legislative act of the councils shall be by resolution or ordinance, and every ordinance or resolution which shall have passed both branches shall be presented, duly certified, to the mayor for approval. If he approves, he shall sign the same, but if he shall not approve he shall return it, with his objections, to the branch of councils wherein it originated,¹ which shall thereupon proceed to reconsider it.² If upon such reconsideration two-thirds of the members elected to each branch shall pass the said ordinance or resolution, it shall become effective as though the mayor had signed the same. In all such cases the vote of councils shall be determined by yeas and nays, and the names of the members voting be duly entered upon the journals. Every ordinance or resolution which the mayor shall not return within fifteen days from the date of its presentation to him, as aforesaid, shall become a law as fully and effectively as if he had approved the same.³ The mayor may disapprove of any item or items of any bill making appropriations, and such item or items shall be void unless repassed according to the rules herein prescribed for the passage of bills over the mayor's veto.

Id. § 7.

Ordinances and
resolutions to
be approved by
the mayor.

Veto.

Passage of or-
dinance or
resolution
over veto.

Vote to be by
yeas and nays.

Ordinance or
resolution to
be returned by
mayor within
fifteen days.

Items of ap-
propriation
bills may be
vetoed.

12. All ordinances may be proved by the certificate of the city clerk, under the corporate seal, and when printed or published in book or pamphlet form, and purporting to be published by authority of the city, shall be read and received as

Id. § 8.

Proof of ordi-
nances.

When printed
by authority,
to be evidence.

¹ See *Commonwealth v. Fitler*, 136 Pa. 129. The mere depositing of the veto with the clerk of councils is not a return of it within the meaning of the act. *Erie v. Bier*, 10 Super. Ct. R. 381.

² The vote upon the reconsideration is final and cannot itself be reconsidered. *Sank v. Philadelphia*, 4 Brewst. R. 133.

³ If the next stated meeting does not occur within the fifteen days, he must convene councils specially in order to lay his veto before them, otherwise the ordi-

nance or resolution will become a law, notwithstanding the veto was signed within the fifteen days. *Pa. Globe Gas Light Co. v. Scranton*, 97 Pa. 538. See also *Allentown v. Grim*, 109 Id. 113, that the mistake of a date by the mayor in the formal approval of an ordinance, where such mistake is accidental and prejudices no one's rights, does not affect the validity of the ordinance if otherwise regularly passed.

20 April 1874.

preceding assessed valuation thereof,¹ and the corporate authorities of such municipality may, by a vote thereof, duly recorded upon its minutes, authorize and direct the incurring or the increase of such debt to the amount aforesaid, and may issue coupon bonds or other securities therefor, in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal thereof reimbursable at a period not exceeding thirty years from the date at which the same is authorized. And an annual tax, commencing the first year after such debt shall be increased or incurred, sufficient for the payment of the interest thereon, and the principal of such debt within a period not exceeding thirty years from the date of such increase shall be forthwith assessed.²

Bonds to be issued therefor.
When principal to be payable.
Annual tax to be levied.
Application thereof.
Officers to prepare and file certain statements.

5. Before issuing any such obligation or security, it shall be the duty of the principal officer or officers of such municipality or incorporated district, to prepare a statement, showing the actual indebtedness of such district, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, the form, number and date of maturity of the obligations to be issued therefor, and he shall make and append thereto his oath or affirmation of the truth of the facts therein stated, and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county; upon failure so to do, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in the first section of this act. Certified copies of the record of such statement, under the seal of said court, shall be competent evidence in all the courts of this commonwealth; *Provided*, That the bonds shall not be sold at less than their par value.³

Penalty for neglect.

Copies to be evidence.

Sale of bonds.

Id. § 3.

6. The indebtedness of any county, city, borough, town-

increase of indebtedness, they shall give notice, during at least thirty days, by weekly advertisements in the newspapers, not exceeding three in said district, and if no newspaper be published therein, by at least twenty printed handbills posted in the most public parts thereof, of an election to be held at the place or places of holding the municipal elections in said district or municipality, on a day to be by them fixed, for the purpose of obtaining the assent of the electors thereof to such increase of indebtedness.¹

7. Said notice shall contain a statement of the amount of the last assessed valuation, of the amount of the existing debt, of the amount and percentage of the proposed increase, and for [of] the purposes for which the indebtedness is to be increased. Such election shall be held at the place, time and under the same regulations as provided by law for the holding of municipal elections; and it shall be the duty of the inspectors and judges of such elections to receive tickets, either written or printed, from electors qualified under the constitution of this state to vote in such district, labeled on the outside, "increase the debt," and containing in the inside the words, "no increase of debt," or "debt may be increased," also briefly the purpose and amount of increase, and to deposit said tickets in a box provided for that purpose, as is provided by law in regard to other tickets received at said election; and the tickets so received shall be counted, and a return thereof made to the clerk of the court of quarter sessions of the proper county, duly certified, as is required by law, together with a certified copy of the ordinance and the advertisement, and the said clerk shall make a record of the same, and furnish a certified copy thereof, under seal, showing the action of the corporate authorities of such municipality, and the same shall be placed of record upon the minutes thereof. The corporate authorities of such municipality shall in all cases at the time of holding such election on the day of the municipal or of the general election, unless more than ninety days elapse between the date of the ordinance or vote desiring such increase, and the day of holding the said municipal or general election. If any other day be fixed for such election, the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held. In receiving and counting, and in making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating municipal elections, and the vote shall be counted by the court as is provided by general laws governing municipal elections, and all the penalties of the said election laws, for the violation thereof.

¹The question must be solely upon the increase of the debt; councils cannot introduce any other question into the issue. *Bloomsburg Election*, 4 Dist. R. 671. The Act of June 23, 1897, P. L. 201, validates municipal bonds issued pursuant to

a vote of the people in cases where notice of the election was not published in the newspapers of the district in the manner required by the provisions of the third section of the Act of 1864.

19 March 1906.
§ 1. P. L. 81.

Councils authorized to issue subpoenas and compel attendance of witnesses and production of books, papers, etc., in investigations.

Proceedings where witness refuses to testify, etc.

Facts to be reported to court.

Hearing and order.

Commitment for contempt.

Liability of witness for perjury.

20. The councils, and each branch thereof, of any borough, or of any city of the second or third class, within this commonwealth, shall have power to compel the attendance of witnesses, and the production of books, papers and other evidence, at any meeting of the body or any committee thereof, and for that purpose may issue subpoenas, signed by the president of council or the chairman of the committee, in any pending case of inquiry, investigation or impeachment, and cause the same to be served and executed in any part of this commonwealth; and if any witness shall refuse to testify as to any fact within his knowledge, or to produce any books or papers within his possession or under his control, required to be used as evidence in any such case, the clerk of that branch of council, by whose authority such witness was subpoenaed, shall forthwith report the facts relating to such refusal to one of the courts of common pleas of the county within which such borough or city is situated; and all questions arising upon such refusal, and also upon any new evidence, not included in said clerk's report (which new evidence may be offered in behalf of or against such witness), shall at once be heard by said court. If the court determines that the testimony or evidence required by such witness is legal and properly competent, and ought to be given or produced by him, then said court shall make an order commanding such witness to testify or produce books or papers (or both, as the case may be), and if such witness shall thereafter refuse to testify or to produce books or papers, as aforesaid, in disobedience of such order of the court, then the said court shall have power to order the commitment of such witness to the county jail of the proper county, for contempt.

21. Any person, so called as a witness, may be examined under oath, and shall be liable to indictment, conviction and

stituted and organized, and approved of by the mayor, or if ^{13 May 1889.} passed notwithstanding the objections of the mayor by a vote ^{Ordinances and resolutions validated.} of two-thirds of all the members elected to each branch of councils aforesaid, and whether publication has or has not been made of said ordinances and resolutions, if otherwise regular, are hereby validated and declared to be in full force; *Provided*, This act shall not apply to cities of the first and ^{Proviso.} second classes.¹

23. All acts or parts of acts inconsistent herewith, or supplied by the provisions hereof, be and the same are hereby repealed; but no right or interest which has become vested thereunder shall be destroyed or impaired by the operation of this act, or by the exercise of any power granted therein. All officers of each of said cities of the third class in office at the date of the approval hereof, shall, except where otherwise herein provided, continue to hold their offices for the term for which they were respectively elected; but all ordinances of any of said cities heretofore legally passed, not inconsistent with such provisions, are hereby made valid, and shall be and remain in full force and virtue until altered or repealed.²

24. It shall be the duty of the councils of every city of the third class forthwith to pass such ordinances, in accordance with the provisions of this act, as may be necessary to carry into effect the requirements thereof.

25. In cities of the third class operating with but a single branch of council, the members thereof in office at the date of the approval hereof are empowered to exercise all the functions of councils in the manner theretofore authorized, until their successors are duly elected and installed in accordance with the provisions of this act.

¹ This act is constitutional. It was passed to validate the organization and acts of councils under the Act of May 24, 1887, P. L. 204, dividing cities into seven classes and providing for the incorporation and government of cities of the fourth, fifth, sixth and seventh classes, declared unconstitutional in *Ayers' App.*, 122 Pa. 206, and as a remedy to the intolerable confusion resulting from that decision. See *Devers v. York*, 150 Pa. 208, 211; *Melick v. Williamsport*, 162 Id. 408, 411; *Chester v. Pennell*, 169 Id. 300.

² The above is the general repealing section of the Act of 1889. In the original draft the last clause beginning "but all ordinances," etc., appeared as directly fol-

lowing and a part of section 3, read in connection with which it is more intelligible. The sections, however, appear as above in the act as approved and published in the pamphlet laws. The Act of 1889 revises, with a few exceptions, the whole subject-matter of the Act of May 23, 1874, for which it was intended as a substitute. It has, therefore, superseded the latter as the code for the government of cities of the third class, though in respect to the provisions of the Act of 1874, not contained in the Act of 1889, the two statutes are to be treated as *in pari materia*. See *Commonwealth v. Hastings*, 16 Pa. C. C. R. 425; *Harris's Application*, 4 Dist. R. 320.

License Taxes.

[See CORPORATE POWERS.]

1. Commercial travelers not to be required to pay local license or mercantile tax. To sell to dealers only.

2. Foreign dealers in merchandise may be taxed for temporary business. Tax not to exceed local rates. Not to apply to sales by sample.

3. Act may be enforced by ordinance.

4. Exemption of farmers from license tax.

5. Transient retail business dealers to obtain local license. Amount of license to be fixed by ordinance in cities and boroughs. License in townships. License to be renewed monthly. Penalty for selling without local license.

17 May 1883.
§ 1. P. L. 31.

Commercial travelers not to be required to pay local license or mercantile tax.

To sell to dealers only.

24 May 1887.
§ 1. P. L. 185.

Foreign dealers in merchandise may be taxed for temporary business.

Tax not to exceed local rates.

Not to apply to sales by sample.

Id. § 2.

Act may be enforced by ordinance.

22 April 1903.

1. From and after the passage of this act it shall be unlawful for any city, borough or municipality to levy any license or mercantile tax upon persons taking orders for merchandise by sample from dealers, for individuals or companies who pay a license or mercantile tax at their chief places of business. It shall also be unlawful for any city, borough or municipality to collect such license or mercantile tax hereafter levied by virtue of any ordinance of any city, borough or municipality; *Provided*, That nothing in this act shall authorize such person to sell by retail to others than dealers or merchants.

2. Hereafter the several cities and boroughs of this state shall have power to tax or license foreign dealers in merchandise, or their agents, having no permanent place of business in any such city or borough, but temporarily engaged in selling or disposing of merchandise, either by wholesale or by retail to an amount not exceeding the local taxes or licenses imposed on resident merchants engaged in a like business; *Provided*, That the provisions of this act shall not apply to sales by sample.¹

3. Cities and boroughs shall have power to enforce the provisions of this act by providing proper penalties by ordinance duly enacted.

4. After the passage of this act, it shall be unlawful for

month, or fractional part thereof, to be paid to the treasurer of said city or borough; and the amount of such license in any township shall be the sum of twenty-five dollars per month or fractional part thereof, to be paid to the county treasurer for the use of the school fund of said township. Said license to be renewed monthly during the continuance of said sale, and upon failure of said person or persons so to secure such license, he, she or they shall be fined in a sum not less than one hundred dollars, nor more than two hundred dollars, to be collected as other fines are by law collectible, and, in default of payment of said fines, to be imprisoned in the jail of said city or county for a period not exceeding thirty days.¹

² May 1899.

License in townships.

License to be renewed monthly.

Penalty for selling without local license.

¹ Section 2 of this act repeals the Act of May 4, 1889, P. L. 86, and the amendment of May 10, 1893, P. L. 35, the ambiguities of which it appears designed to remedy. The act does not discriminate between citizens of this state and citizens of other states. *Reading v. Jones*, 14 Dist. R. 66. An ordinance based upon the Act of 1893 is invalid if it does not apply to all persons engaging in the business sought to be regulated. *Wormser v. Allentown*, 8 Dist. R. 649. In the case of *Titusville v. Brennan*, 143 Pa. 642, it was held that a municipal ordinance imposing a license tax upon itinerants selling goods to others than manufacturers and licensed merchants, or soliciting orders therefor, if uniform in its operation to citizens of this and other states, was not in violation of the constitution of the United States as imposing a tax on inter-

state commerce. On appeal to the supreme court of the United States this decision was reversed. 153 U. S. 289. It appears, therefore, that power conferred under such laws as the above is restricted to the taxation of citizens of this state selling goods produced therein.

The subject of the licensing of hawkers and peddlers is regulated by a multiplicity of local and general acts of assembly, for a list of the former of which, applicable to the several counties, see 2 Pa. C. C. R. 238 note, and for list of those relating to auctioneers, Id. 242 note. These licenses do not exempt the holders from the requirements of existing ordinances providing for a municipal license to non-resident dealers. The licensing of hawkers and peddlers in boroughs and townships is regulated by the Act of June 14, 1901, P. L. 563.

Liquors.

[See MAYOR.]

1. Penalty for public drunkenness.
2. Penalty for allowing drunkenness on premises where liquor is sold.
3. Prevention of disorderly conduct in taverns and eating houses. Duty of police.
4. Duties of peace officers respecting the enforcement of the law. How offenders to be dealt with.
5. Intoxicated persons to be arrested on

view. To be confined until sober. Examination.

6. Notice to Innkeepers, etc., not to sell intoxicating liquors to intemperate persons. Penalty for selling after notice.

7. Selling to inebriates after notice. Recovery of damages. Married women may sue in their own names. Survival of action.

1 - Any person who shall be found intoxicated in any street, high way, public house or public place, shall be fined, upon the view of, or upon proof made before any mayor, alderman or justice of the peace, not exceeding [two] dollars,¹ to be levied, with the proper costs, upon the goods and chattels of the defendant.

³¹ March 1856. § 29. P. L. 207.

Penalty for public drunkenness.

¹ The penalty is reduced from five to two dollars by the Act of April 20, 1858, Sec. 22, P. L. 370, by which it is also provided that the fines shall be paid over to the treasurer of the school district. The offence of public drunkenness, it would seem, may be made punishable by ordinance through the power given to cities of

the third class under clause 28, sec. 3 of Art. V. of the Act of 1839 (see "Corporate Powers") to enact ordinances to suppress "all kinds of public indecencies." The same offences may lawfully be made punishable under both a criminal statute and a municipal regulation. *Morgan v. Commonwealth*, 13 Pitts. Leg. Jour. 14.

31 March 1856.
§ 30.

Penalty for al-
lowing drunk-
ennes on
premises where
liquor is sold.

2. Any person who shall sell spirituous, or other intoxicating liquors as aforesaid to any person who shall drink the same on the premises where sold, and become thereby intoxicated, shall, besides his liability in damages under any existing law, be fined five dollars for every such offense, to be recovered in debt before any alderman or justice of the peace, by any wife, husband, parent, child, relative or guardian of the person so injured, and levied upon the goods and chattels of the defendant, without exemption; *Provided*, That suits shall not be instituted after twenty days from the commission of the offenses in this and the preceding section.

17 April 1867.
§ 1. P. L. 86.

Prevention of
disorderly con-
duct in taverns
and eating-
houses.

3. Persons licensed to keep taverns or eating houses shall, as far as in them lies, prevent all disorderly conduct in and about their premises, and, in case of any disturbance of the peace, shall immediately give notice to the nearest sheriff, constable, officer or member of police, of such disturbance, and call upon said officer to interpose; whereupon it shall be the duty of such officer to remove the disorderly persons, and, if need be, to close up the place, and keep it closed until order and quiet are entirely restored.

Duty of police.

Id. § 7.

Duties of peace
officers respect-
ing the en-
forcement of
the law.

4. It shall be the duty of every sheriff, constable, policeman and officer of police to compel the observance, and to prevent the violation of the provisions of this act; and in the discharge of such duty, if need be, he shall have power to close up, and to keep closed, any place or places where such violations become known to him, whether by his own personal observation, or by information of any respectable citizen of the vicinity; also it shall be the duty of the officers aforesaid to arrest such persons so alleged to be acting in violation of law, and to bring them before any magistrate of the vicinity, to be dealt with according to the provisions of this act, and it shall

How offenders
to be dealt
with.

6. It shall be lawful for any member of the family or blood relation of an intemperate person, or any overseer of the poor, or any magistrate of the district in which such intemperate person resides or has legal settlement, or the committee of a habitual drunkard, to give a distinct notice, verbal or written, to any inn-keeper, merchant, grocer, distiller, brewer or other person manufacturing, selling or having intoxicating liquors, forbidding him or them from furnishing such intemperate person or habitual drunkard with intoxicating drinks or liquors, and if, within three months after such notice, any one to whom the same is given shall furnish or cause to be furnished intoxicating liquors to such intemperate person or habitual drunkard to be used as a beverage, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the first section of this act.¹

⁸ May 1854.
§ 2. P. L. 663.

Notice to inn-keepers, etc., not to sell intoxicating liquors to intemperate persons.

Penalty for selling after notice.

7. The husband, wife, parent, child or guardian of any person who has or may hereafter have the habit of drinking intoxicating liquor to excess may give notice in writing, signed by him or her, to any person, not to sell or deliver intoxicating liquor to the person having such habit; if the person so notified, at any time within twelve months after such notice, sells or delivers any such liquor to the person having such habit, the person giving the notice may in an action of tort recover of the person notified any sum not less than fifty, nor more than five hundred dollars, as may be assessed by the court or judge as damages. A married woman may bring such action in her own name, notwithstanding her coverture, and all damages recovered by her shall go to her separate use. In case of the death of either party, the action and right of action given by this section, shall survive to or against his executor or administrator without limit as to damages.²

¹² April 1876.
§ 7. P. L. 41.

Selling to inebriates after notice.

Recovery of damages.

Married women may sue in their own names.

Survival of action.

¹ That is, by a fine of not less than ten, nor more than fifty dollars, and imprisonment of not less than ten, nor more than sixty days.

² Licenses for the sale of vinous, spirituous, malt or brewed liquors at retail in this state are regulated by the Act of May 13, 1887, P. L. 108 (known as the Brooks' Law), and its amendments. The offences of the sale of liquor on Sunday, on election days, to minors, and to persons of known intemperate habits or visibly intoxicated, are punishable, by sec. 17 of that act, by a fine of not less than fifty, nor more than five hundred dollars, and imprisonment of not less than twenty, nor more than ninety days. So far as the penalties for these specific offences are concerned, the act repeals all prior laws. Some portions of the latter still unrepealed by the Act of 1887 are here published because of their more immediate relation to the police functions of the city government. Under existing laws the business of selling intoxicating liquors, licensed by the state, cannot be taxed by municipal license. *Altoona v. Stehle*, 21 Pa. C. C. R. 395.

By the Act of May 13, 1887 (*supra*), as amended by the Act of June 9, 1891, P. L. 248, the amount of the retail license in cities of the third class is fixed at \$500, four-fifths of which is to be paid into the city treasury, and by section 2 of the Act of July 30, 1897, P. L. 469, an additional license fee of \$50 is imposed for the use of the state. The city's proportion of the money is properly payable in the first instance to the county treasurer, whose duty it is to pay it over to the city treasurer; the county has no interest in or control over it. *Commonwealth v. Martin*, 170 Pa. 118. The Act of 1891 makes no provision for a commission upon the fund, but it has been held by the C. P. of Northampton County in *South Bethlehem v. Hemingway*, 16 Pa. C. C. R. 103, and by the C. P. of Berks County, in *City of Reading v. Kutz*, 21 Id. 28, that the treasurer is entitled to receive a commission thereon at the same rate as upon moneys collected for the use of the state. Comp. however, *Pittsburgh v. Anderson*, 194 Pa. 172.

Local Legislation.

1. Constitutional provision.
2. How notice of application for local or special legislation to be published.

3. Evidence of publication.
4. How publication to be made when subject-matter affects cities or boroughs.

Const. 1874.
Art. III., § 8.

Constitutional provision.

1. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the general assembly of such bill, and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the general assembly, before such act shall be passed.¹

12 Feb. 1874.
§ 1. P. L. 43.

How notice of application for local or special legislation to be published.

2. No local or special bill, either to repeal or enact a law, shall be passed by the legislature, unless notice of the intention to apply therefor shall be published in the locality where the matter or thing to be affected may be situated, which notice shall state specifically the title and objects of the bill, and shall be published by not less than four insertions in at least two daily or weekly newspapers, one of which may be in a language other than English, once a week for four consecutive weeks, printed in the county, or in each of the several counties, where such matter or thing to be affected may be situated; the first insertion to be at least thirty days prior to and within three months immediately preceding the introduction of such bill into the general assembly, and be signed by at least one of the parties applying therefor; *Provided*, That the publication in one newspaper shall be deemed sufficient where but one is published in the county or counties aforesaid.²

Id. § 2.

Evidence of publication.

3. The evidence of the publication aforesaid shall be by attaching to a bill a copy or copies, as the case may be, of said

Lodging Houses.

1. Public lodging house defined.
 2. Mayor may license public lodging houses. When license to expire. Licensee to be of good moral character. Building to be examined as to its safety and means of escape. Sanitary condition to be certified to by health authorities.
 3. Register to be kept by lodging houses. Penalty for not keeping register.

4. House to be subject to official inspection.
 5. Health authorities to prescribe rules for sanitation of premises.
 6. License to be forfeited on non-compliance with statutory requirements. Keeper to have public hearing.
 7. Keeping public lodging house without license to be misdemeanor. Penalty.

1. Every building in any city of this commonwealth not ^{2 July 1895.} licensed as an hotel, inn or tavern, in which ten or more persons are lodged for a price for a single night of twenty-five cents or less for each person, shall be deemed a public lodging house within the meaning of this act.¹ ^{Public lodging house defined.}

2. The mayor of any city in this commonwealth may ^{Id. § 2.} license persons to keep public lodging houses in said city upon ^{Mayor may license public lodging houses.} payment of a fee of two dollars, and upon compliance with and subject to the following provisions and requirements:

The said license shall expire on the thirty-first day of December in the year in which it is issued. It shall specify particularly the place licensed, and it shall not protect the licensee in carrying on business in any other place. ^{When license to expire.}

No such license shall be granted to a person by the mayor ^{Licensee to be of good moral character.} who is not of good moral character, and no license shall be issued until the building inspectors of said city and the fire marshal, or, if such officials do not exist, such other official or person as the mayor shall name to examine into the safety of the building, license for which is applied for, shall certify ^{Building to be examined as to its safety and means of escape.} that the building is safe for the load it will probably have to carry, is provided with all the fire escapes required by law, and with such additional means of escape, in case of fire, as the construction of the building, its surroundings and the use to which it is to be put require to be adopted for the safety of the lodgers.

No such license shall be granted until the mayor shall receive a certificate from the health authorities of said city setting forth that the plumbing in the building sought to be licensed is in accordance with the rules of the said health authorities, or, if no such rules have been adopted, that the plumbing is in good condition, and further that the building is supplied with a sufficient number of water closets and urinals for the people intended to be accommodated, and with good and sufficient means of ventilation. ^{Sanitary condition to be certified to by health authorities.}

3. In every public lodging house a register shall be kept in ^{Id. § 3.} which shall be entered the name and address of each and every lodger, together with the time of his arrival and departure, and such register shall at all times be open to the inspection of the police authorities of said city. Each and every failure to carry out and comply with the requirements ^{Register to be kept by lodging houses.}

¹The act does not offend against the constitutional provisions as to title or uniformity of taxation, nor in subjecting boarding houses to unreasonable searches.

It is a legitimate exercise of the police power of the state, upon which there is no constitutional limitation. *Commonwealth v. Muir*, 1 Super. Ct. R. 578; 180 Pa. 47.

2 July 1895.

Penalty for not
keeping regis-
ter.

of this section shall subject the lodging house keeper to a fine of five dollars, to be collected at the suit of the city in which such house is licensed, before any magistrate, alderman or justice of the peace.

Id. § 4.

House to be
subject to offi-
cial inspection.

4. The keeper of every public lodging house shall at all times when required by the fire marshal, the fire chief or by any officer connected with the building inspectors, or with the board of health, or bureau of health, or with the police department or bureau, or by the mayor or any one delegated by him, give such official full and free access to said lodging house or to any part thereof.

Id. § 5.

Health au-
thorities to
prescribe rules
for sanitation
of premises.

5. The health authorities of said city may, from time to time, adopt rules and regulations for the government of public lodging houses, for the cleansing and disinfection of the same, or of the furniture, bedding and other personal property in and upon the same, as may, in the judgment of said health authorities, be necessary and proper for the public safety.

Id. § 6.

License to be
forfeited on
non-compliance
with statutory
requirements.

6. Any keeper of a public lodging house who shall fail to comply with any provision of this act, or with any requirement of the health authorities of said city, or shall so conduct his lodging house as to render it a nuisance to the neighborhood in which it is situated, shall forfeit his license; *Provided, however,* That no license shall be forfeited by the mayor of the city in which it was issued except after public hearing by him, of which the lodging house keeper shall have at least one week's notice.

Keeper to
have public
hearing.

Id. § 7.

Keeping public
lodging house
without license
to be misde-
meanor.

7. Whoever shall keep a public lodging house in any city in this commonwealth, or shall be concerned, or in any way interested therein, without having the license herein required, shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding one hundred dollars, and

Penalty. to undergo an imprisonment of not more than thirty days, or

2. It shall not be lawful for any butcher or other person to expose for sale any tainted or unwholesome meat or fish, or any veal less than three weeks old when killed, in any of the market houses or other places for vending meat in any of the cities or boroughs in the several counties of this commonwealth, under a penalty of ten dollars for each offense, to be recovered as other penalties are recoverable, before any alderman or justice of the peace, one-half of said penalty to go to the informer, and the other half for the benefit of the poor.

^{7 May 1855.}
§ 1. P. L. 468.
Penalty for exposing for sale unwholesome meat, fish or veal.

3. If any person shall sell, or expose for sale, the flesh of any diseased animal, or any other unwholesome flesh, knowing the same to be diseased or unwholesome, or sell or expose for sale unwholesome bread, drink or liquor, knowing the same to be unwholesome, or shall adulterate for the purpose of sale, or sell any flour, meal or other article of food,¹ any wine, beer, spirits of any kind, or other liquor intended for drinking, knowing the same to be adulterated, or shall adulterate for sale, or shall sell, knowing them to be so adulterated, any drugs or medicines, such person so offending shall be guilty of a misdemeanor, and, upon conviction, be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.²

^{31 March 1860.}
§ 69. P. L. 401.
Penalty for selling unwholesome provisions, adulterated beverages, etc.

¹See the Act of June 26, 1895, P. L. 317, prohibiting under penalty the adulteration of food (the term food including "all articles used for food or drink by man, whether simple, mixed or compound"). The fines and costs thereunder are to go to the state treasury, and the dairy and food commissioner is charged with the enforcement of the act, the provisions of which are sweeping and comprehensive. Other acts to the same purport, of recent date, are those of April 27, 1903, P. L. 324, and March 28, 1905, P. L. 64. Although under the later legislation the administration of the pure food laws in general is made the distinctive duty of a state bureau, the infractions of them in the public markets are a subject of immediate concern to the local authorities, which are vested with power to make and enforce market regulations under the existing municipal codes.

²The manufacture and sale of oleo-margarine, butterine and other similar products is regulated by the Act of May 29, 1901, P. L. 327, and the sale of renovated butter by the Act of May 4, 1890, P. L. 191, as modified by the Act of July 10, 1901, P. L. 643. As to the constitutionality of the prior Act of May 5, 1890, P. L. 141, see *McCann v. Commonwealth*, 198 Pa. 509; *Commonwealth v. Schollenberger*, 17 Super. Ct. R. 218. The ancient statutes authorizing clerks of markets to weigh butter, lard and sausage were repealed by the Act of May 17, 1883, P. L. 34. But the Act of 1797, requiring all bread to be sold by weight in this state, is still in force. *Johnson v. Kolb*, 3 W. N. C. 273. The Act of April 10, 1873, P. L. 69, prohibiting the sale of oysters in the months of June, July and August, was repealed by the Act of June 2, 1901, P. L. 169.

Mayor.

[See FINES AND PENALTIES—LEGISLATIVE DEPARTMENT—
LIQUORS—ORDINANCES—POLICE.]

1. Election and qualifications of mayor. Term. His powers and duties. Functions as peace officer. May appoint supernumerary policemen.

2. Mayor to supervise conduct of city officers. Powers in investigations. May require information from city officers. And call special meetings of councils. Annual message.

3. Jurisdiction of mayor. Powers as committing magistrate. May take acknowledg-

ments, etc. To keep docket. Docket entries to be evidence. Fees to be paid into city treasury. Salary.

4. Mayor to appoint and remove subordinate executive officers. To issue city election proclamation.

5. Vacancy. Temporary appointment.

6. Salary of mayor to be fixed by ordinance. Proviso.

7. Fees and costs to be paid into city treasury.

23 May 1889.
Art. VII., § 1.
P. L. 296.

Election and
qualifications
of mayor.

Term.

His powers
and duties.

Functions as
peace officer.

May appoint
supernumerary
policemen.

Id. § 2.

Mayor to su-
pervise conduct
of city officers.

Powers in in-
vestigations.

1. The mayor of each of said cities of the third class shall be at least twenty-five years of age, and shall have been a citizen and inhabitant of the state four years and an inhabitant of the city for one year next before his election. He shall be chosen at the municipal election to serve for the term of three years, and until his successor is duly elected and qualified, and shall not be eligible to re-election for the next succeeding term. He shall be the chief executive magistrate of the city, and it shall be his duty to be vigilant and active in causing the ordinances and the laws of the commonwealth relating to the government of the city to be executed and enforced therein; and in order to enable him [more] effectually to preserve the public peace within the city all the powers which are devolved by the laws of this state upon sheriffs to prevent and suppress mobs, riots and tumultuous assemblies are hereby conferred upon him,¹ and he shall have the authority upon occasions of threatened public disorder to require and enforce the closing of bars and to suspend in all places the sale of liquors during the continuance thereof. He shall also have authority upon such occasions, or whenever in his judgment it is necessary for the public safety, or to preserve order, to appoint supernumerary policemen to serve for such period as he may designate, not exceeding ten days, whose compensation shall be fixed by councils.²

2. The mayor shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints against any of them, and cause all of their violations or neglects of duty to be promptly punished or reported to the proper tribunal for correction, and for the purpose aforesaid he is hereby empowered to issue subpoenas and compulsory process under his official seal for the attendance of such persons, and

3. The mayor shall have the criminal jurisdiction of an ^{23 May 1889.} alderman within the city, and shall have no civil jurisdiction ^{Art. VII., § 2.} except in relation to actions for fines, penalties or forfeitures ^{Jurisdiction of mayor.} imposed by virtue of the ordinances of the city, or the laws of this commonwealth relating thereto.¹ He shall have the power of a committing magistrate under the acts of assembly ^{Powers as committing magistrate.} relating to tramps and vagrants, and shall, in addition, have authority to commit to the city or county prison for a term not exceeding thirty days any dissolute or disorderly persons, in default of payment of such fines or penalties as may be fixed by ordinance, with costs of arrest.² He shall be empowered to take acknowledgments of any instruments in writing, ^{May take acknowledgments, etc.} solemnize marriages and administer oaths and affirmations, and shall attest all his acts with his official seal. He shall keep a docket and shall enter therein all actions and proceedings had before him, and the said docket, with the entries therein, and duly certified transcripts thereof, shall be received in evidence in the same manner, and with like effect, ^{To keep docket.} as the dockets, entries and transcripts of aldermen are by law admissible for similar purposes. He shall charge and receive for all official services the same fees and costs as pertain by law to the aldermen of the city for similar services,³ but shall pay over the same into the city treasury monthly, according to a statement thereof verified by oath or affirmation ^{Fees to be paid into city treasury.} before the controller and filed with him. The mayor shall receive a fixed annual salary, to be provided by ordinance. ^{Salary.}

4. The mayor shall nominate, and by and with the advice ^{Id. § 6.} and consent of the select council⁴ appoint all subordinate officers of the city whose offices are created by ordinance, excepting the city clerk and the clerks of the different branches of ^{Mayor to appoint and remove subordinate executive officers.} councils, or other departments of the city government, which clerks shall be appointed by such branches or departments respectively, and such other officers authorized to be otherwise appointed or elected under the provisions of this act, and he may remove⁵ from office any such officers appointed by the mayor for inability, official misconduct or neglect of duty, and in like manner all vacancies which may occur during the terms of such officers shall be filled. The mayor shall issue ^{To issue city election proclamation.} his proclamation to the qualified electors of the city at least

¹ The object of this provision seems to be to limit the functions of the mayor, as far as possible, to those of a purely municipal character. What effect it has upon his authority to exercise certain powers of a magisterial nature heretofore conferred upon him by various statutes, remains to be judicially determined.

² The power to commit is exercisable only in default of payment. *Commonwealth v. Scott*, 8 Dist. R. 367. By the amending Act of May 16, 1901, § 22, P. L. 239, the mayor may delegate any alderman of the city to hold the police court. See title "Fines and Penalties," *ante*.

³ For the fees receivable by aldermen, see title "Aldermen," III., *ante*, p. 8.

⁴ An appointment without such advice and consent gives no right to the office nor consequent claim for compensation by the appointee while acting as an officer *de facto*. *Jones v. Easton*, 4 Dist. R. 509.

⁵ A commissioner of highways appointed by the mayor is subject to removal by him. *Commonwealth v. Lynch*, 8 Dist. R. 347. Policemen are public officers within the meaning of Art. VI., § 4, of the constitution, and are removable at the pleasure of the appointing power. *Commonwealth v. Rutherford*, 8 Dist. R. 349; 22 Pa. C. C. R. 425. Comp. *Saul v. Scranton*, 9 Dist. R. 156.

28 May 1889.

ten days before the annual municipal election, stating therein the officers to be voted for at such election.

Id. § 7.

Vacancy.

5. In case of a vacancy occurring in the office of mayor by death, resignation, removal or otherwise, a successor shall be elected for the unexpired term at the municipal election occurring at least one month after the happening of such vacancy, and [pending] the election, the city councils shall, in joint convention, by the vote of a majority of all the members elected, appoint some qualified [person to serve as mayor until a successor shall be elected and qualified] according to law.¹ In case of the temporary inability of the mayor to act, the councils may, in the manner aforesaid, appoint a person to act in his place until the mayor shall be able to resume the duties of his office.

Temporary appointment.

8 June 1874.
§ 1. P. L. 277.

Salary of mayor to be fixed by ordinance.

Proviso.

6. The councils of each city in this commonwealth are empowered, from and after the passage of this act, from time to time, to fix by ordinance the salary to be paid out of the city treasury to the mayor of such city; *Provided*, That nothing herein contained shall authorize a change in the salary, fees or emoluments of the mayors now in office, and those elected prior to the passage of this act.

Id. § 2.

Fees and costs to be paid into city treasury.

7. All fees and costs pertaining to the office of mayor in the several cities of this state shall, after this act goes into effect, be paid into the city treasury.

¹The words in this section above enclosed in brackets are necessary to be supplied in order to make its provisions intelligible. They appeared in the original

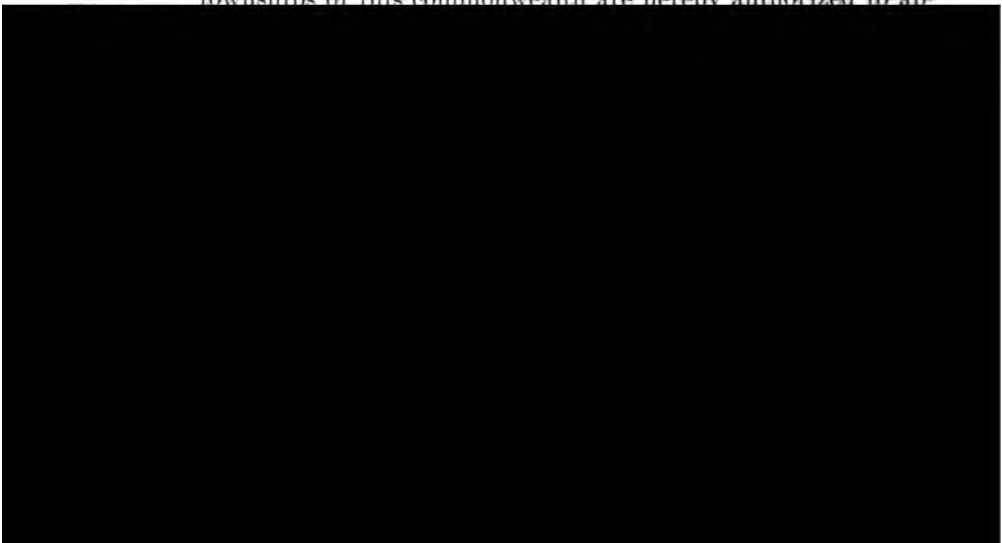
bill as it was passed by the legislature, but were carelessly omitted in the transcribed copy signed by the governor and published in the pamphlet laws.

Memorial Day.

1. Cities, etc., may make appropriations for Memorial Day services.

25 June 1895.
§ 1. P. L. 298.

1. After the passage of this act the cities, boroughs and townships of this commonwealth are hereby authorized to an-



1. That the councils of cities and boroughs in this com-^{20 April 1899.}
monwealth be, and they are hereby authorized and empow-
ered, to provide for the inspection of milk, under such rules
and regulations as will protect the people from adulteration
and dilution of the same. ^{§ 1. P. L. 81.}
Inspection of milk.

2. Any person or persons who shall, in any cities, boroughs
and villages having a population of one thousand inhabitants
and upwards, engage in, or carry on the sale, exchange or
traffic in milk, shall have the carriage or vehicle from which
the same is vended conspicuously marked with his, her or
their names, also indicating the locality from whence said
milk is obtained, or where produced; and for every neglect of
such marking the person or persons so neglecting shall be sub-
ject to the penalties provided for in section second of this act.^{25 May 1878.}
^{§ 3. P. L. 144.}
How milk-
men's wagons
to be marked.

3. For marking wagons or vehicles so as to convey the idea
that said milk is procured from, or produced in a different
locality than it really is, the person or persons so offending
shall be subject to a fine of fifty dollars, or imprisonment not
less than thirty days, or both, at the discretion of the court. ^{Id. § 4.}
Penalty for
neglect.
Penalty for
deceptive
marking.

4. In cities of the second and third classes,² whoever by
himself, or by his servant or agent, or as the servant or agent
of any other person, sells, exchanges or delivers, or has in his
custody or possession with intent to sell or exchange, or ex-
poses or offers for sale or exchange adulterated milk, or milk
to which water or any foreign substance has been added, or
milk produced from cows fed upon any substance in a state
of putrefaction, or from sick or diseased cows, shall, for such
offense, be punished by fine of not less than twenty, nor more
than one hundred dollars.^{7 July 1886.}
^{§ 1. P. L. 206.}
Penalty for
sale of adul-
terated or un-
wholesome
milk.

5. Whoever by himself, or by his servant or agent, or as
the servant or agent of any other person, sells, exchanges or
delivers, or has in his custody or possession, with intent to sell
or exchange, or exposes or offers for sale as pure milk, any
milk from which the cream or any part thereof has been re-
moved, shall, for such offense, be punished by the penalty pro-
vided in the preceding section. ^{Id. § 2.}
Sale of
skimmed
milk as
pure milk,
prohibited.

6. No dealer in milk, and no servant or agent of such a
dealer shall sell, exchange or deliver, or have in his custody or
possession with intent to sell, exchange or deliver milk from
which the cream, or any part thereof, has been removed, un-
^{Id. § 3.}
Skimmed milk
for sale, how
to be labeled.

¹ That is, upon conviction for such mis-
demeanor, to a fine of not less than ten
dollars, and imprisonment for not less
than eight days, in default of payment.
With the exception of this penalty, the
remaining sections of the act, which de-
fine and punish the offences of adulterat-
ing milk, or selling adulterated milk, are
supplied or repealed as to cities of the
second and third classes by the Act of
1885, *infra*.

² See *Commonwealth v. Hough*, 1 Dist.
R. 51, for some commentaries on the con-
stitutionality of this act by the court of
quarter sessions of Philadelphia.

³ See the Act of June 10, 1897, P. L.
142, punishing the adulteration or color-
ing of milk or cream by the addition of
certain acids by way of preservatives
(amended by Act of April 19, 1901, P. L.
85); also the Act of June 26, 1895, P.
L. 317, prohibiting the adulteration of
food in general. The provisions of the lat-
ter include milk. *Commonwealth v. Hart-
man*, 19 Pa. C. C. R. 97; 6 Dist. R. 183.
See also *Commonwealth v. Wickert*, 19
Pa. C. C. R. 251; *Commonwealth v. Dar-
lington*, 9 Dist. R. 700.

7 July 1885.

less in a conspicuous place above the centre, upon the outside of every vessel, can or package from or in which such milk is sold, the words "skimmed milk" are distinctly painted in letters not less than one inch in length. Whoever violates the provisions of this section shall, for such offense, be punished by the penalty provided in section one of this act.

Id. § 4.

What kind of milk shall be deemed to be adulterated.

7. If the milk mentioned in sections one and two of this act is shown, upon analysis, to contain more than eighty-seven and fifty one-hundredths per centum of watery fluid, and to contain less than twelve and fifty one-hundredths per centum of milk solids, and less fat than three per centum, and if the specific gravity at sixty degrees Fahrenheit is not between one and twenty-nine one-thousandths to one and thirty-three one-thousandths, it shall be deemed to be adulterated.

Id. § 5.

When skimmed milk shall be deemed to be adulterated.

8. If the skimmed milk mentioned in section three of this act is shown, upon analysis, to contain less than six per centum of cream by volume, and less than two and five-tenths per centum of fat by weight, and if the specific gravity at sixty degrees Fahrenheit is not between one and thirty-two thousandths to one and thirty-seven thousandths, it shall be deemed to be adulterated.

Id. § 6.

Inspector to take specimens of milk for examination.

Result, when to be prima facie evidence of adulteration.

Specimens may be analyzed.

9. Whenever the inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purpose, and if the result of such test indicates that the milk has been adulterated or deprived of its cream, or any part thereof, the same shall be prima facie evidence of such adulteration in prosecutions under this act. If the said inspector shall deem it necessary, he shall cause such milk to be analyzed, the result of which analysis he shall record and keep as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in

tion thereof, shall be liable to a fine of not less than fifty, nor ^{7 July 1885.} more than one hundred dollars, or by [to] imprisonment in ^{How punish-} the county jail for not less than ten, nor more than thirty ^{able.} days, or both, or either, at the discretion of the court.

Municipal Claims.

[See DAMAGES—REGISTRY OF REAL ESTATE—SEWERS—STREETS—
TAXES.]

I. PROVISIONS OF CODE OF 1880.

1. Proceedings for recovery of municipal claims in cities of third class. Action at law or scire facias may be brought. Judgment for want of affidavit of defence. When copy of claim need not be filed. Subsequent purchaser or omitted owner to be made party.
2. Sale of lien property to vest a good title. Right of redemption by owner. Petition for redemption and reconveyance.
3. Scire facias against unknown owner. Publication. Judgment.
4. City may purchase lands sold. Limitation of bid.
5. Assessments for municipal improvements already made or in progress. Viewers to assess cost on properties benefited, according to benefits or frontage. Notice of view. Lien and payment of assessments. Interest. Penalties. To be registered within six months. How collectible. Assessments may be made payable in installments. Period of payment. Interest. On default, whole amount to be due. Credits for payments. Certain defences not to be precluded.
6. Notice to owners of time and place of assessment of benefits. How notice to be given.
7. Taxes defined. Highway. Tax claim. Municipal claim. Claimant. Contractor. Owner. Property.
8. Taxes to be first liens. To have priority of payment out of proceeds of judicial sales.
9. Municipal claims to be first liens. To be paid out of proceeds of judicial sales.
10. Lien for municipal taxes. For removal of nuisances. For grading, paving, etc. Laying water pipes, etc. Sewers and drains. Water rates, lighting rates, etc. Where contractor is paid by assessment bills.
11. Public property, places of religious worship, etc., to be exempt from tax or municipal claims. Exceptions. Proviso.
12. Claims for curbing, etc., to be proceeded in after notice. Exceptions.
13. Claims filed to use. Notice. Service of notice.
14. Time for filing of municipal claims. Certificate of engineer to be evidence. Scire facias to issue within five years. Judgment. Revival. Lien to continue for five years after judgment.
15. Requisites of claim. Affidavit of use plaintiff.
16. Property to be included in tax claims. Description.
17. Parties having interest may intervene. Substitution of defendant.
18. Separate and distinct properties to be ratably apportioned for claim. Payment of part of claim.
19. Petition of defendant to intervene. Affidavit. Rule. Decree. On payment into court, claim may be discharged. Jury trial on disputed facts. When payment or security to stand in lieu of claim.
20. Notice by defendant to issue scire facias. Compulsory non-suit.
21. Form of writ of scire facias on claim. Amicable scire facias.
22. Sheriff may add other parties to writ. Posting of copy of writ. Service of writ. Service in another county. Service by mail. Advertisement. When advertisement may be dispensed with. Acceptance of service. Contents of notice. Time of service of writ.
23. Assessment of damages. Attorney fee for collection. Rule for judgment. Replication.
24. Tax claims to be evidence of facts averred therein. Except where denied by affidavit. Compulsory non-suit. Attorney's fee upon verdict.
25. Scire facias to revive. Form of writ. Amicable revival.
26. Service of writ.
27. Practice.
28. Judgment for plaintiff to be de terriis only. Costs, how recovered.
29. When sequestrator may be appointed. Appeal to be supersedeas. Writ of possession.
30. Claims, verdicts, etc., to be docketed and entered on judgment index. Exceptions in certain counties.
31. Locality index to be kept. Certificates of search. Fee.
32. Security for stay of proceedings. Effect thereof.
33. Writ of levavi facias. Form of writ. Advertisement of sale.
34. Plaintiff may fix minimum price. Plaintiff may become purchaser.
35. Execution against quasi corporations. Distribution.
36. Effect of judicial sales. Lien to be discharged to extent of proceeds realized. Order of priority of payment of claims. Lien of mortgages, ground rents, etc. Petition of plaintiff for sale of lien premises unsold by sheriff. Requisites of petition. Rule. Decree. Return and subsequent proceedings. Title to be made to county treasurer. Re-sale. Discharge of tax claims. Proviso. Petitioner may take testimony of defendant.
37. Redemption by owner of property sold. Conditions. Redemption by creditors. Priority of right to redeem. Petition of redeeming creditor. Decree.
38. Assignment of tax claim. Right of one of several defendants, etc., paying claim.
39. Amendment of claims or proceedings. Limitation. Extension of time for amendment. Limitation.
40. Return of rules. Filing of answers. Replications. Averment of facts.
41. Service of notices, petitions, etc.
42. Security, how to be approved. New security. Exoneretur.
43. Use plaintiff to enter satisfaction on payment of claim. Penalty for neglect.
44. Right of appeal to higher court.
45. Application of act.

I. Provisions of Code of 1889.

23 May 1889.
Art. XV., § 22.
P. L. 323.

Proceedings for
recovery of
municipal
claims in cities
of third class.

Action at law
or scire facias
may be
brought.

Judgment for
want of affida-
vit of defence.

When copy of
claim need
not be filed.

1. Recovery may be had on claims for city taxes, water-frontage tax, lighting-frontage tax, water taxes, lighting rates, sewerage rates, piping, paving,¹ re-paving, curbing or re-curb-ing of sidewalks,² cost and expense of the removal of nuisances, for assessments for sewerage, sewer connections, grad-ing, macadamizing or paving any public street, lane, alley, or part thereof, or for assessments for damages or benefits, and contributions lawfully imposed for the opening or vacation thereof, or the changing of water-courses, and all other mat-ters that may be subject of claim in pursuance of this act or any other act, and the laws and ordinances of any of said cities, in the court of common pleas of the proper county, or before any magistrate having jurisdiction of the amount, by action at law³ to recover a general judgment against the owner or owners of property upon which the as-sessments were made, or such claim may be registered as pro-vided by this act, and proceedings thereon may be had by scire facias, according to the practice and proceedings pre-scribed by law for the collection of municipal claims and liens;⁴ and claims so registered shall be prima facie evidence of the amount thereof, and of the same being due and owing, and of all matters therein set forth.⁵ Judgment shall be en-tered by default thereon unless the defendant or defendants shall file his, her or their affidavit of defense, as required in cases where the plaintiff has filed his copy of the cause of ac-

¹ A municipal lien for paving cannot be filed against the roadbed of a railway which is part of its necessary right of way. *Erie v. Piece of Land*, 175 Pa. 523; and it is immaterial whether the railroad company has a right of way, merely, or owns the land in fee: *Junction R. R. Co. v. Philadelphia*, 18 Id. 424. Nor can such lien be filed for the construction of a side-

work done or materials furnished by the board of health, or any municipal corpo-ration, where no process is provided for the collection of the debt, charge or as-sessment, was repealed by the Act of June 4, 1901, *infra*. The Act of May 23, 1889, P. L. 272, "authorizing assessments and reassessments for the cost of local im-provements already made or in process

tion in such court, and the judgment and process thereon shall be with like effect as in other cases; *Provided*, That reference being made to the number and term of which and the docket and page in which such claim or claims are registered, in the præcipe instituting the suit, it shall not be necessary to file a copy of the same; *And further provided*, That where any real estate subject to such lien shall have been conveyed and deed recorded after the registry of such tax, the then owner shall be included in the process, and if any owner shall have been or shall be omitted, such party may be brought in by a rule of the court, or scire facias on him, her or them, to show cause why he, she or they should not be made a party to such suit; on proof of service thereof judgment may be entered against such party in default of appearance or affidavit of defense, as if originally a party to the suit.¹

²³ May 1880.
Art. XV.

Subsequent purchaser or omitted owner to be made party.

2. A sale of any property under a writ of *levari facias* issued upon a judgment obtained upon any lien filed in pursuance of this act, whether the real owner be named or not shall be deemed a proceeding in rem, and shall vest a good title in the purchaser to the property thus purchased; *Provided, however*, That the owners of property thus sold, if not personally served with the writ of *scire facias*, may redeem the same within one year from the date of sale, by payment of the purchase money, taxes and all moneys expended for improvements made on or about the property, of whatever kind or nature, with ten per centum added thereto; and any person entitled to so redeem may present a petition to the court from which the process to make sale issued, setting forth the facts and his readiness to pay the redemption money, whereupon the court shall grant a rule to show cause why the purchaser shall not reconvey to the petitioner the premises sold, to be served as directed by the court, and if the petitioner shall prove the facts necessary to entitle him to redeem, the court shall make such rule absolute and enforce it by attachment.

Id. § 23.

Sale of liened property to vest a good title.

Right of redemption by owner.

Petition for redemption and reconveyance.

3. When the owner of a lot is unknown, the claim shall be filed against the land assessed and "unknown owner," and indexed accordingly. A *scire facias* may issue thereon, as provided in this act as to other claims, which shall be published by the sheriff once a week for three successive weeks before the return day, in at least one newspaper published in the city, with a full description of the lot, the amount assessed thereon, and for what purpose. If the owner appear, he may defend, as if named in the writ, but if there be no appearance, judgment may then be entered and the land sold with the like effect as if the real owner had been named as a party defendant and personally served with said writ.

Id. § 24.

Scire facias against unknown owner.

Publication.

Judgment.

¹ The section amended as above by Act of May 10, 1901, § 33, P. L. 240. See note 1, p. 146.

23 May 1889.
Art. XV., § 25.

City may purchase lands sold.

Limitation of bid.

23 May 1889.
Art. XV., § 30.
P. L. 826.

Assessments for municipal improvements already made or in progress.

Viewers to assess cost on properties benefited, according to benefits or frontage.

Notice of view.

Lien and payment of assessments.

Interest.

Penalties.

To be registered within

4. In all cases where lands are sold for the payment of any tax or claim of said city it shall be lawful for the said city to become the purchaser of the lands so offered for sale; *Provided, however,* That the amount bid for the respective property shall not exceed the amount necessary to secure the claims or amounts due the said city, together with the costs of sale.

5. Cities of the third class shall have power to provide by ordinance for the assessment or re-assessment of the cost of local improvements already made, or in process of construction, upon the property benefited thereby, or upon the property abutting or fronting on the street, lane, alley or part thereof, where the said improvements have been or are being made. The said assessment or re-assessment shall be made by viewers upon the property benefited, where the improvement has been directed by councils to be made according to benefits, and shall be by an equal assessment to be made by the city engineer on the property in proportion to the number of feet the same fronts upon the street, lane, alley or part thereof, improved or being improved, where the improvement has been directed by councils to be made by the frontage rule. Notice of the time and place of making said assessment or re-assessment shall be given by the viewers, or by the city engineer, as the case may be, to all the owners of property that may be affected by said assessment or re-assessment. Said assessments or re-assessments, when so made, shall be liens from the date thereof, and shall be due and payable in sixty days thereafter, and if not paid when due, shall bear interest. Said assessments or re-assessments, if not paid when due, shall be subject to the penalties fixed by this act for the non-payment of municipal assessments, and shall be filed and registered in the prothonotary's office within six months from the date of making the same in the manner and with like

come due and payable, and shall be collected as directed by this act; *Provided further*, That whenever a property has paid the whole or any part of its share of the total cost of said improvement, said property shall be given credit for the amount thus paid on the assessments or re-assessments authorized by this section; *And provided further*, That this act shall not preclude any defence against the collection of such assessments arising from the manner of constructing such improvements, or the quality of the materials used therein, or from non-compliance with the provisions of any act or acts under which such improvements are claimed to have been made.

²³ May 1889.
Art. XV.

Credits for
payments.

Certain de-
fences not to
be precluded.

6. Whenever the cost of local improvements of any kind in said cities of the third class is to be assessed by the city upon the abutting properties, at least five days' notice of the time and place of making the assessment¹ to pay the cost and expense of said local improvements shall be made by the person or persons authorized by councils to make said assessment, by publication in one or more newspapers for three successive days, and by serving notice either personally upon the owner if he can be found in the city, or on an adult person residing on each of the properties to be affected by said assessment, at which time and place all parties interested shall be heard by the persons or person authorized to make such assessment. In case there is no personal service upon the owner, or an adult person cannot be found residing upon any property that may be affected by said assessment, said notice shall be deemed to have been properly served if tacked or posted conspicuously on the premises.²

Id. § 81.

Notice to own-
ers of time and
place of as-
sessment of
benefits.

How notice
to be given.

II. General Provisions, Act 1901.

7. The word "taxes," as used in this act, means any county, city, borough, township, school, bridge, road, or poor taxes.

⁴ June 1901.
§ 1. P. L. 264.
"Taxes" de-
fined.

The word "highway," as used in this act, means the whole or any part of any public street, public road, public lane, public alley, or other public highway.

"Highway."

The words "tax claim," as used in this act, mean the claim filed to recover taxes.

The words "municipal claim," as used in this act, mean the claim filed to recover for the grading, guttering, macadamizing or otherwise improving the cartways of any public highway; for grading, curbing, recurbing, paving, repaving, constructing or repairing the footways thereof; for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections therein; for assessments for benefits in the opening, widening or vacation thereof; or in the changing of water-courses or the construction of sewers through private lands; or in highways of townships of the first class; or in

"Municipal
claim."

¹ This provision is directory and not mandatory. *Erie v. Willis*, 26 Super. Ct. R. 459.

² The section amended as above by Act of May 16, 1901, § 35, P. L. 252.

4 June 1901.

the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; for the removal of nuisances; or for water rates, lighting rates or sewer rates.¹

"Claimant."

The word "claimant," as used in this act, means the plaintiff or use-plaintiff, in whose favor the claim is filed as a lien.

"Contractor."

The word "contractor," as used in this act, means the person or persons who, under contract with the legal plaintiff, performed the work for which the lien is given.

"Owner."

The word "owner," as used in this act, means the person or persons in whose name the property is registered, if registered according to law; and in all other cases means any person or persons in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, if any, and if not, then the reputed owner or owners thereof, in the neighborhood of such property.

"Property."

The word "property," as used in this act, means the real estate subject to the lien, and against which the claim is filed as a lien.

Id. § 2.

Taxes to be
first liens.

To have priority of payment out of proceeds of judicial sales.

8. All taxes which may hereafter be lawfully imposed or assessed on any property in this commonwealth, in the manner and to the extent hereinafter set forth, shall be and they are hereby declared to be a first lien on said property, together with all charges, expenses and fees added thereto for failure to pay promptly; and such liens shall have priority to, and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien or estate with which the said property may become charged, or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made.²

Id. § 3.

Municipal

9. All municipal claims which may hereafter be lawfully

or poor district to which the tax is payable. The lien for the removal of nuisances shall exist in favor of, and the claim therefor may be filed against the property from which it is removed, or by which it is caused, by any city, borough or township by or for which the nuisance is removed. The lien for grading, guttering, paving, macadamizing or otherwise improving the cartways of; for grading, curbing, recurbing, paving, repaving, constructing or repairing the footways thereof; or for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections in any highway; for assessments for benefits in the opening, widening or vacation thereof; or in the changing of water-courses or construction of sewers through private lands; or in highways of townships of the first class; or in the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; or for water rates, lighting rates, or sewer rates, shall exist in favor of, and the claim therefor may be filed against the property thereby benefited by the city, borough or township extending the benefit. Where the contractor performing the work is to be paid by assessment bills, the lien shall exist for, and the claim shall be filed to, his use, and he shall under no circumstances have recourse to the city, borough or township authorizing the work.¹

^{4 June 1901.}
For removal
of nuisances.

For grading,
paving, etc.

Laying water
pipes, etc.

Sewers and
drains.

Water rates,
lighting rates,
etc.

Where contrac-
tor is paid by
assessment
bills.

11. Public property used for public purposes shall not be subject to tax claims or municipal claims; and actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity, shall not be subject to tax or municipal claims, except for removal of nuisances, for sewer claims and sewer connections, or for the recurbing, paving, repaving or repairing the footways in front thereof. All other real estate, by whomsoever owned and for whatsoever purpose used, shall be subject to all tax claims and municipal claims herein provided for; *Provided, however*, that nothing in this act contained shall hinder or prevent any city, borough, or township of the first class from providing that any municipal work may be done at the expense of the public generally, and be paid for out of the general city, borough or township funds.²

Id. § 5.

Public prop-
erty, places of
religious wor-
ship, etc., to
be exempt
from tax or
municipal
claims.

Exceptions.

Proviso.

12. No claim shall be filed for curbing, recurbing, paving, repaving or repairing the footway of any highway, unless the owner shall have neglected to do said work for such length of time as may be prescribed by ordinance, after notice so to do, served upon him or his agent or the person in possession of the property, except when, in the case of curbing, or recurbing or repaving the footway, it shall form part of an im-

Id. § 8.

Claims for
curbing, etc.,
to be proceed-
ed in after
notice.

Exceptions.

¹ The section amended as above by Act of March 19, 1903, § 2, P. L. 42.

² The section amended as above by Act of March 19, 1903, § 3, P. L. 43. As to exemption of property of a school district from municipal assessments, see *Pitts-*

burgh v. Sterrett Subdistrict School, 204 Pa. 635; *Scranton v. Scranton, S. D.*, 1 Lack J. 367.

By inadvertence no sections of the act in the text numbered 6 and 7 appear in the pamphlet laws.

4 June 1901.

provement resulting also in the paving, macadamizing or otherwise improving the cartway of said highway; and if there be no agent or party in possession it may be posted on the most public part of the property.

Id. § 9.

Claims filed
to use.

Notice.

Service of
notice.

13. Where claims are to be filed to use, the claimant, at least one month before the claim is filed, shall serve a written notice of his intention to file it unless the amount due is paid. Service of such notice may be made personally on the owner wherever found; but if he cannot be served in the county where the property is situated, such notice may be served on his agent or the party in possession of the property; and if there be no agent or party in possession, it may be posted on the most public part of the property.

Id. § 10.

Time for fil-
ing of munici-
pal claims.

14. Claims for taxes, water rates, lighting rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated, on or before the last day of the second calendar year after that in which the taxes or rates are first payable; and other municipal claims must be filed in said court, within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized; within six months after the completion of the improvement, where the assessment is made by the municipality upon all the properties after the completion of the improvement; and within six months after confirmation by the court, where confirmation is required; the certificate of the surveyor, engineer or other officer supervising the improvement, filed in the proper office, being conclusive of the time of completion thereof, but he being personally liable to any one injured by any false statement therein. A number of years' taxes or rates of different kinds, if payable to the same plaintiff, may be included in one

Certificate of
engineer to
be evidence.

(2) The name of the owner of the property against which ⁴ June 1901. it is filed.

(3) A description of the property against which it is filed.

(4) The authority under, or by virtue of which, the tax was levied or the work was done.

(5) The time for which the tax was levied or the date on which the work was completed, in front of the particular property against which the claim is filed; or the date of completion of the improvement, where the assessment is made after completion; or the date of confirmation by the court, where confirmation is required done.

(6) If filed to the use of a contractor, the date of and parties to the contract for doing said work; and,

(7) In other than tax claims, the kind and character of the work done, for which the claim is filed, and if the work be such as to require previous notice to the owner to do it, when and how such notice was given.¹

Said claim must be signed by the solicitor or chief executive officer of the claimant; and in the case of a use-plaintiff, must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge, information and belief. Affidavit of use-plaintiff.

16. The property described in tax claims shall include the whole property against which the tax is levied. The property described in municipal claims shall include the lot in front of or upon which the work is done, of such depth as is usual in properties of the same kind or character in the particular neighborhood, but not including any part of a lot abutting at the rear thereof on another highway other than an alley. Where the lot, as used, does abut at the rear thereof on another highway other than an alley, the lot shall be so apportioned as to give to both front and rear an appropriate depth, suitable, as far as may be, for the purposes thereof. Id. § 12.
Property to be included in tax claims.
Description.

17. Any person having an interest in the property, whensoever acquired, may, by agreement of the parties or by leave of the court, intervene as a party defendant and make defense thereto, with the same effect as if he had been originally named as a defendant [in] the claim filed. And the claimant may by writing filed at his costs, strike off the name of any defendant therein; and may substitute as a defendant, and issue a scire facias against, any person who may have acquired an interest as owner after the right to file a claim accrued, or who is the personal representative of an owner who has died either before or after filing the claim, but such substitution shall always be without prejudice to any intervening rights. Id. § 13.
Parties having interest may intervene.
Substitution of defendant.

18. In all cases where a tax or municipal claim is levied on or filed against separate and distinct properties as one estate, it shall and may be lawful for the proper public authority, either before or after filing a claim therefor, to apportion Id. § 14.

¹ See *Meadville City v. Mahoney*, 28 Pa. C. C. R. 474, as to essentials of notice.

4 June 1901.

Separate and distinct properties to be ratably apportioned for claim.

Payment of part of claim.

Id. § 15.

Petition of defendant to intervene.

Affidavit.

Rule.

Decree.

On payment into court, claim may be discharged.

the same ratably upon the separate and distinct properties so assessed together. And the court in which the claim is filed, on proof that the properties were separate and distinct at the time the tax was levied or the work was done, shall, at any stage of the proceedings, apportion the charge against such properties. When apportioned, they shall be treated and considered in all respects as if separate and distinct claims had been filed; and payment and satisfaction of any one portion may be made without prejudice to the claim as against the rest.

19. Any defendant named in the claim, or any person allowed to intervene and defend thereagainst, may, at any stage of the proceedings, present his petition, under oath or affirmation, setting forth that he has a defense in whole or in part thereto, and of what it consists; and praying that a rule be granted upon the claimant to file an affidavit of the amount claimed by him, and to show cause why the petitioner should not have leave to pay money into court; and, in the case of a municipal claim, to enter security in lieu of the claim; whereupon a rule shall be granted as prayed for. Upon the pleadings filed, or from the claim and the affidavit of defense, and without a petition where an affidavit of defense has been filed, the court shall determine how much of the claim is admitted or not sufficiently denied; and shall enter a decree that upon the payment by such petitioner to the claimant of the amount thus found to be due, with interest and costs if any thing be found to be due, or upon payment into court, if the claimant refuses to accept the same, and upon payment into court of a sum sufficient to cover the balance claimed, with interest and costs, or upon the entry of approved security in the case of a municipal claim, that such claim shall be wholly discharged as a lien against the property described therein, and shall be

notice so to do. If no scire facias be issued within fifteen ⁴ June 1901.
 days after the affidavit of service of notice is filed of record,
 the claim shall be stricken off by the court, upon motion. If a
 scire facias be issued in accordance with such notice, the
 claimant shall not be permitted to discontinue the same, or
 suffer a non-suit upon the trial thereof, but a compulsory non-
 suit shall be entered by the court if the claimant does not ap- ^{Compulsory}
 pear, or withdraws, or for reason fails to maintain his claim. ^{non-suit.}

21. The claim shall be sued by writ of scire facias¹ in the ^{Id. § 17.}
 following form:

The Commonwealth of Pennsylvania, to C. D. and E. F., ^{Form of writ}
 Greeting: ^{of scire facias}
^{on claim.}

Whereas, A. B., claimant, on the ——— day of ———,
 A. D. 1—, filed its claim in our Court of Common Pleas of
 ——— County, of ——— Term, 1—, No. —, M. L. D.,
 against you, as follows:

(Here insert claim in full.)

And whereas we have been given to understand that said
 claim is still due and unpaid, and remains as a lien against
 said property; Now, you are hereby notified to file your affi-
 davit of defense to said claim, if defense you have thereto, in
 the office of the prothonotary of our said court within fifteen
 days after service of this writ upon you. If no affidavit of
 defense be filed within said time judgment may be entered
 against you for the whole of said claim, and the property de-
 scribed in the claim be sold to recover the amount thereof.

Witness the Hon. ———, President Judge of our said
 court, this ——— day of ———, A. D. 1—.

(Seal) ———, Prothonotary.

But the parties to the claim may agree upon an amicable ^{Amicable}
 scire facias, upon such terms as may be agreed upon, with the ^{scire facias.}
 same effect as if a scire facias, in the form aforesaid, had been
 duly issued, served and returned. No writ of scire facias to
 revive the claim shall be issued prior to judgment on the scire
 facias above set forth.

22. The sheriff to whom the scire facias is given for service ^{Id. § 18.}
 shall add to the writ, as parties defendant, all persons, other ^{Sheriff may}
 than those named therein, who may be found in possession of ^{add other}
 the property described or any part thereof; and, if no one be ^{parties to writ.}
 found in possession thereof, then he shall post a true and at-
 tested copy of the writ on the most public part of said prop-
 erty. He shall also make inquiries of at least three persons,
 separately residing upon or nearest thereto, as to the names

¹ A *scire facias* sur municipal claim takes the place of a statement under the Practice Act of May 25, 1887, and the defendant must file an affidavit of defence to it to prevent judgment from being taken against him. *Oil City v. Hartwell*, 164 Pa. 348. With reference to the sufficiency of the affidavit in certain par-

ticulars, see *Harrisburg v. Baptist*, 156 Pa. 526; *Oil City v. Lay*, 164 Id. 370; *Scranton v. Leever*, 200 Id. 58. As to suggestion of death of defendant after judgment on a municipal claim, and substitution of his heirs as parties, see *Philadelphia v. Jenkins*, 162 Id. 451.

² Posting of copy of writ.

4 June 1901.

and residences of the real owners of said property, and shall add their names to the writ as parties defendant, if not already named therein, which shall then be further served as follows:

Service of writ.

(a) By serving, as in the case of a summons, such of those named in the writ, or added thereto, as may be found in the county in which the writ issued; and,

Service in another county.

(b) By serving, as in the case of a summons, such of those named in the writ, or added thereto, as may be found in any other county of the commonwealth by the sheriff thereof, who shall be deputed for that purpose by the sheriff of the county in which the writ issues; and,

Service by mail.

(c) If all those named in the writ, or added thereto, cannot be served as provided in clauses (a) and (b) hereof, then by mailing a true and attested copy of the writ, in a registered letter, to such of those named in the writ, or added thereto, whose residences are given as without the commonwealth, and by advertising a brief notice of the contents of said writ, once a week for four successive weeks, in one newspaper of general circulation in the county, and in the legal periodical, if any, designated by the court for that purpose; *Provided, however,* That if all those named in the writ, or added thereto, have been personally served, or if return registry receipts for the copies mailed are returned by the sheriff with the writ, the advertisement above provided for may be dispensed with; *And provided further,* That any defendant may accept service of said writ in person or by counsel, with the same effect as if duly served therewith by the sheriff.

Advertisement.

When advertisement may be dispensed with.

Acceptance of service.

Contents of notice.

The notice herein provided for shall always state that judgment may be entered and the property sold if an affidavit of defense be not filed within fifteen days after a date named, which shall be the date fixed for the last advertisement. See

24. Tax claims shall be prima facie evidence of the facts averred therein in all cases; and the averments in both tax and municipal claims shall be conclusive evidence of the facts averred therein, except in the particulars in which those averments shall be specifically denied by the affidavit of defense, or any amendment thereof duly allowed. A compulsory non-suit, upon trial, shall be equivalent to a verdict for defendant, whether the plaintiff appeared or not. If plaintiff recovers a verdict, upon trial, in excess of the amount admitted by the defendant in his affidavit of defense or pleadings, he shall be entitled to an attorney's fee for collection, equal to five per cent. of such excess, but not exceeding fifty dollars.

⁴ June 1901.
§ 20.

Tax claims to be evidence of facts averred therein.

Except where denied by affidavit.

Compulsory non-suit.

Attorney's fee upon verdict.

25. The judgment upon such claim may be revived by writ of scire facias¹ in the following form:

Id. § 21.

Scire facias to revive.

The Commonwealth of Pennsylvania, to C. D. and E. F.,
Greeting:

Form of writ.

Whereas, A. B., claimant, on the ——— day of ———, A. D. 1—, recovered judgment in the sum of ——— dollars against you, that the following described property be sold to satisfy the same:

(Here describe property in full.)

And whereas, we have been given to understand that though judgment, as aforesaid, was rendered, yet the amount thereof is still due and unpaid, and remains as a lien against said property: Now, you are hereby notified to file your affidavit of defense to A. B.'s claim upon said judgment, if any defense you have, in the office of the prothonotary of our said court, within fifteen days after service of this writ upon you. If no affidavit of defense be filed within that time, said judgment may be revived against you for the amount set forth, with interest from the time of its recovery, and said property be sold to recover the whole thereof.

Witness the Hon. ———, President Judge of our said court, this ——— day of ———, A. D. 1—.

(Seal) ———, Prothonotary.

But the parties to the judgment may agree¹ upon an amicable scire facias to revive, or to an amicable judgment of revival, upon such terms as may be agreed upon, with the same effect as if a scire facias in the form aforesaid had been duly issued, served and returned.

Amicable revival.

26. Said writ of scire facias to revive shall be served, and the proceedings thereon shall be conducted, in the manner hereinbefore provided for the original scire facias sur claim, unless personal service was made upon all the defendants in the original proceeding; in which event, two returns of nihil

Id. § 22.

Service of writ.

¹ An agreement between the city solicitor and a property owner to revive and continue the lien for five years from the date thereof, registered in the proper of-

fice, has the effect of an adverse proceeding. *Harrisburg v. Aughinbaugh*, 8 Dist. R. 491.

4 June 1901. habet to the writs to revive, shall be equivalent to personal service upon the defendants.

Id. § 23. 27. The practice and procedure following said scire facias to revive, so far as applicable, shall be the same as in the case of the original scire facias to collect the claim.

Id. § 24. 28. All judgments for the plaintiff, whether on the original scire facias or any scire facias to revive, shall be de terris only, and shall be recovered out of the property bound by the lien, and not otherwise; but the costs, whether as against the plaintiff, or the defendant actually defending against the claim, may be recovered by execution as in personal actions.

Id. § 25. 29. After the expiration of twenty days from the recovery of judgment, whether on the original scire facias or any scire facias to revive, except in cases where the property named is essential to the business of a quasi-public corporation, the court shall, upon the petition of the plaintiff, appoint a sequestrator of the rents, issues and profits of the property bound by the judgment, unless in the meantime an appeal be taken, and approved security given to operate as a supersedeas. If the owner against whom the judgment is entered be in possession of the property sequestered, or the party in possession refuse to pay a fair rent, the court shall, upon petition filed and served, grant a rule, and, if it be made absolute, award a writ in the nature of a writ of habere facias possessionem, directed to the owner, commanding him to deliver such possession to the sequestrator within fifteen days thereafter, unless such property be occupied by the owner and his family for a home, in which case he shall be entitled to retain possession for a period of three months from the time the petition was served upon him.

Id. § 26. 30. Every claim filed, scire facias issued, verdict recovered

Appeal to be
supersedeas.

Writ of pos-
session.

Judgment for
plaintiff to be
de terris only.

Costs, how
recovered.

When seques-
trator may
be appointed.

Practice.

31. It shall be the duty of the prothonotaries of the courts of common pleas to keep a locality index,¹ in which shall be entered all tax or municipal claims hereafter filed, and upon any written order therefor they shall give a certificate of search, showing all the claims filed against any property. For so doing they shall receive the sum of twenty-five cents, and five cents additional for each claim certified, and no more.

^{4 June 1901.}
^{§ 27.}
Locality index
to be kept.

Certificates of
search.

Fee.

32. At any time before the property is sold, approved security may be entered for a stay of proceedings until the expiration of one year after the date of filing the claim. The entry of such security by the owner, before the entry of judgment on the claim, shall be equivalent to an admission by him that the property is liable for the claim. After the stay has expired the claimant may proceed upon the claim and the bond given, separately or simultaneously.

Id. § 28.

Security for
stay of pro-
ceedings.

Effect thereof.

33. Execution upon any judgment recovered upon any such claim, except where the property named is essential to the business of a quasi-public corporation, shall be by writ of *levari facias*, in the following form:

Id. § 29.

Writ of *levari*
facias.

The Commonwealth of Pennsylvania. Form of writ.

To the Sheriff of _____ County, Greeting:

Whereas, A. B., claimant, on the _____ day of _____, Anno Domini 1—, recovered judgment in the sum of _____ dollars, with interest from the _____ day of _____, Anno Domini 1—, and the costs, amounting to _____ dollars, in Court of Common Pleas of said county of _____, Term _____, No. —, M. L. D. against C. D. and E. F., that the following described property in your bailiwick be sold to satisfy the same, viz.:

(Here describe the property in full.)

Now, this is to command you that you expose the said property to sale by public vendue and outcry, after due advertisement according to law, and that return of said sale, with the moneys realized thereby and this writ, you make to our said court on the _____ day of _____, Anno Domini 1—.

Witness the Honorable _____, President Judge of our said court, this _____ day of _____, Anno Domini 1—.

Advertisement of such sale shall be made and the deed to the purchaser shall be executed, acknowledged and delivered as in other real estate sales by the sheriff.

Advertisement
of sale.

34. The plaintiff in any judgment recovered on a tax or municipal claim may, upon paying the sheriff's costs, fix an upset price to be realized at any sale under such judgment, sufficient to pay his claim in full. No sale shall be made on a judgment recovered on a tax claim, except for a sum sufficient to pay all taxes in full, and the plaintiff in such judgment may purchase the property, at such sale for that sum, if no one bids a higher price therefor.

Id. § 30.

Plaintiff may
fix minimum
price.

Plaintiff may
become pur-
chaser.

¹ See *Bris City v. Willis*, 26 Super. Ct. R. 459.

4 June 1901.
§ 21.

Execution
against quasi
corporations.

Distribution.

Id. § 22.

Effect of ju-
dicial sales.

Lien to be dis-
charged to ex-
tent of pro-
ceeds realized.

Order of pri-
ority of pay-
ment of
claims.

Lien of mort-
gages, ground
rents, etc.

Petition of
plaintiff for
sale of lien-
ed premises un-
sold by sheriff.

Requisites of

35. Where judgment is recovered upon any claim, the property named in which is essential to the business of a quasi-public corporation, the claimant shall have execution thereupon as in other cases of judgments against such corporations. Upon the distribution of any fund realized by a sale of the franchises, and the whole or any part of the assets of the corporation, the court shall determine the actual value of the property bound by the lien, and the claim shall be preferred with such other claims, to the extent of the value thus determined.

36. A judicial sale of the property lien- ed shall not discharge the lien of any other tax or municipal claim than that upon which such sale is had, except to the extent that the proceeds realized are sufficient for its payment, after paying the costs and expenses of the sale and of the writ upon which it was made. On any such sale being made, all tax claims shall be paid out of the proceeds thereof first, the oldest tax having priority, and municipal claims shall be paid next, the oldest in point of lien having priority. Mortgages, ground-rents and other charges on, or estates in, the property, which were recorded, or created where recording is not required, before any tax other than for the current year accrued, or before the actual doing of the work in front of or upon the particular property for which the municipal claim is filed, shall not be disturbed by such sale unless a prior lien is also discharged thereby: *Provided, however,* That upon the petition of the plaintiff, in any such tax or municipal claim, setting forth that more than five years have elapsed since the filing of his claim: that he has exposed the property to sheriff's sale thereunder and was unable to obtain a bid sufficient to pay his claim in full: and, if a municipal claimant, that

he will bid sufficient to pay all tax claims in full: and upon

estates, at a minimum bid sufficient to pay all tax claims in full. If at the last-named sale no other person is willing to bid a sum sufficient to pay all tax claims in full, the property shall be knocked down to and title made to the treasurer of said county, for the benefit of the various tax claimants, in the order of priority hereinbefore set forth; and after the time for redemption has expired, said property may, under direction of said claimants or by decree of the proper court, be sold either at public or private sale, freed and discharged of all claims, and the proceeds realized therefrom distributed in accordance with the priority of said claims; *Provided further*, That any person interested may, at any time before the sale, pay the petitioner the whole of his claim, with interest and costs, whereupon the proceedings on said petition shall at once determine.

^{4 June 1901.}

Title to be made to county treasurer.

Re-sale.

Discharge of tax claims.

Provido.

For the purpose of enabling the petitioner in any such proceeding to give the notice required, he may take the testimony of the defendant in the claim, or of any other person whom he may have reason to believe has knowledge of the whereabouts of any of the parties respondent, either by deposition, commission or letters rogatory.

Petitioner may take testimony of defendant.

37. The owner of any property sold under a tax or municipal claim, or his assignees, or any party whose lien or estate has been discharged thereby, may redeem the same at any time within one year from the date of the acknowledgment of the sheriff's deed therefor, upon payment of the amount bid at such sale; the cost of drawing, acknowledging and recording the sheriff's deed; the amount of all taxes and municipal claims, whether or not entered as liens, if actually paid; the principal and interest of estates and encumbrances, not discharged by the sale and actually paid; the insurance upon the property, and other charges and necessary expenses on the property, actually paid, less rents or other income therefrom, and a sum equal to interest at the rate of ten per centum per annum thereon, from the time of each of such payments. If both owner and creditor desire to redeem, the owner shall have the right so to do only in case he pays the creditor's claim in full. If more than one creditor desires to redeem, the one who was lowest in lien at the time of sale shall have the prior right, upon payment in full of the claim of the one higher in lien. Within the year, one who was lower in lien may redeem for one higher in lien who has already redeemed, and the owner may redeem from him; and so on throughout in each case by paying the claim of the one whose right was higher; and one higher in lien may redeem from one lower in lien, unless his claim is paid; but in each case the right must be exercised within the year. Any person entitled to redeem may present his petition to the proper court, setting forth the facts, and his readiness to pay the redemption money; whereupon the court shall grant a rule to show cause why the pur-

Id. § 33.

Redemption by owner of property sold.

Conditions.

Redemption by creditors.

Priority of right to redeem.

Petition of redeeming creditor.

4 June 1901.
Decree.

chaser should not reconvey to him the premises sold; and if, upon hearing, the court shall be satisfied of the facts, it shall make the rule absolute, and upon payment being made or tendered, shall enforce it by attachment.

Id. § 34.
Assignment of
tax claim.

38. Any claim filed or to be filed, under the provisions of this act, and any judgment recovered thereon, may be assigned or transferred to a third party, either absolutely or as collateral security, and such assignee shall have all the rights of the original holder thereof. Where the claim has been paid in full by one of several defendants therein, whether originally named as such or allowed to intervene and defend, it shall be satisfied of record as to him, and marked to his use as against the other defendants, pro rata, according to their respective interests in the property bound by the claim.

Right of one
of several de-
fendants, etc.,
paying claim.

Id. § 35.
Amendment
of claims or
proceedings.

39. Any claim, petition, answer, replication, scire facias, affidavit of defense, or other paper filed of record, may be amended from time to time, by agreement of the parties or by leave of the court, upon petition for that purpose, under oath or affirmation, setting forth the amendment desired, that the averments therein contained are true in fact, and that by mistake they were omitted from or wrongfully stated in the particulars as to which the amendment is desired. Such amendments shall be of right, saving intervening rights, except that no amendment of the claim shall be allowed, after the time for its filing has expired, which undertakes to substitute an entirely different property from that originally described in the claim; but the description of the property may be amended so as to be made more accurate, as in other cases of amendment.¹ The court may, for cause shown and filed of record, enlarge the time for filing the affidavit of defense, answer or replication, for issuing a scire facias or for entering security, by rule or special or standing order; and

Limitation.

Extension of
time for
amendment.

swers. The facts averred by either party, and not denied ^{4 June 1901.} in the answer or replication of the other, shall be taken ^{Averment of facts.} as true in all subsequent proceedings in the cause, without the necessity for proof thereof, unless amended as herein set forth. Any fact necessarily found by the court in finally determining a rule, shall also be taken as true in all subsequent proceedings in the cause, without the necessity for proof thereof, unless either party, by writing filed and served at least ten days prior to the time fixed for trial, requires that it be submitted to the jury.

41. All notices, petitions and rules shall be served upon ^{Id. § 37.} counsel for the parties interested, or upon the parties them- ^{Service of notices, petitions, etc.} selves, in the manner bills in equity are served, or upon the owner by leaving a copy with the party in possession of the real estate, or, in default of service in any of the methods stated, then in such manner as the court shall direct.

42. Whenever security is required to be given, in accordance with the provisions of this act, it may be approved by the prothonotary, subject to an appeal to the court as in other ^{Id. § 38.} cases. If thereafter the security be found to be insufficient, ^{Security, how to be approved.} new security may be required within a given time; in default ^{New security.} of the entry of which, the cause may proceed with the same effect as if none had been given, the sureties, however, remaining liable. By agreement of the parties, or upon approval by the court, after notice, new security may be entered in lieu of that originally taken, and an exoneretur entered on the ^{Exoneretur.} first bond; or the security given may be limited to a particular property, if clear of encumbrances, and if also the security be entered as a lien upon said property.

43. In cases where there is a use-plaintiff, if the claim ^{Id. § 39.} shall be paid, or otherwise satisfied or discharged, at any ^{Use-plaintiff to enter satisfaction on payment of claim.} time before or after filing, it shall be the duty of the use-plaintiff or his legal representatives, at the request of the owner or of any other person interested, by a statement in writing showing how the claim was paid, satisfied or discharged, and on the payment of costs if any be due, to enter satisfaction on the record of such claim. In such cases, a refusal to satisfy the claim for a period of sixty days after notice so to do, served upon the use-plaintiff or his agent or attorney, shall subject such use-plaintiff to a suit, as for penalty, at the hands of the party aggrieved, in such sum as the jury shall determine to be just, but not exceeding the amount of the claim. ^{Penalty for neglect.}

44. From any definite judgment, order or decree, entered ^{Id. § 40.} by the court of common pleas under any of the provisions of ^{Right of appeal to higher court.} this act, or from the refusal to open a judgment entered by default, an appeal may be taken by the party aggrieved to the supreme or superior court, as in other cases.

45. This act shall apply only to claims wherein the right ^{Id. § 41.} to file a lien accrues after the date of its approval; but the ^{Application of act.}

4 June 1901. rights of other claimants, under existing laws, shall remain unaffected by its passage, and all claims properly filed thereunder are hereby validated. And this act shall not apply to taxes assessed upon unseated land.¹

¹The section amended as above by the Act of March 26, 1903, P. L. 63. The lengthy and comprehensive act in the text is entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements, and for the removal of nuisances; the procedure upon claims filed therefor, the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened, and the manner of distributing the proceeds of such sales." The bill originated with the Pennsylvania Bar Association, and the report of the committee which devised it, together with the draft and the discussion thereon, is to be found in the sixth annual report of the Pennsylvania Bar Association (1900), pp. 21-68; 97-121. By the repealing section (42), P. L. 379, a large number of acts, local and general, are specifically repealed, whilst so much of other acts therein enumerated (P. L. 386), is repealed in so far as they provide: (a) For the extent of the lien for taxes, or for municipal improvements, either before or after the filing of claims therefor, or (b) for the practice or procedure in relation to, or in continuing the

lien of, or in enforcing payment of such tax or municipal claims after filing"—the intention of the act being, as set forth in the concluding paragraph, "to furnish a complete and exclusive system in itself, so far as relates to the practice and procedure for the filing, collection and extent of tax and municipal claims, the right to file which accrued after the approval of this act." Among the general acts specifically repealed are those of May 4, 1889, P. L. 79; April 22, 1891, P. L. 25; May 16, 1891, P. L. 69, and July 26, 1897, P. L. 420, all of which were published in the former edition of the Digest, Article XV. of the Municipal Act of May 23, 1889, relating to taxation and municipal claims, is affected in part by the repeal, but portions of the article have been preserved in the present compilation because of their continuing force. The exact state of the law upon the subject of municipal claims under these sweeping modifications of previous statutes remains to be discovered by judicial interpretation. The act in the text being prospective in its operation, the collection of liens filed under the Act of 1889 is not affected by it. *Scranton City v. Stokes*, 28 Super. Ct. R. 484.

Nuisances.

1. Power of councils to proceed for abatement of nuisances. Petition to court. Contents of petition. Viewers to be appointed. Notice to parties interested. Report of viewers.

2. Finding of viewers. Report as to compensation to owner. Appeal from award. Compensation not to be made until nuisance is abated.

peal. Costs and bond. Issue to be framed. To be tried by jury. Finding and award. Execution not to issue on judgment before nuisance is abated.

4. On failure to abate nuisance within sixty days, city authorities to proceed to abate the same. Expense to be deducted from amount awarded.

5. Act not to apply to nuisances per se.

thirty days from the date of the order making such appointment, and shall thereupon, being first duly sworn, view the property, premises, building, business or occupation, shall hear the parties, their witnesses and counsel, and shall make due report thereof to the court appointing them.

25 June 1896.

Report of viewers.

2. The said viewers appointed as aforesaid shall have power:

Id. § 2.

First. To determine whether or not the property, premises, building, business or occupation is a nuisance, and if they shall find it is a nuisance shall so return in their award; and

Finding of viewers.

Second. They shall further find what, if any, compensation shall be paid by the said city to the owner or owners of said property, premises, building, business or occupation for the abatement of the same, and if the findings of the said viewers be in favor of the said city and direct the abatement of said nuisance, then judgment shall be entered upon their award within thirty days after the same is filed, unless the said award be appealed from, or exceptions thereto be filed within thirty days; *And provided*, That no execution or other process for the collection of any sum of money awarded to any person or persons, corporation or corporations as compensation for the abatement of any nuisance shall issue until the said nuisance has been fully and completely abated, and return thereof made to the court.

Report as to compensation to owner.

Appeal from award.

Compensation not to be made until nuisance is abated.

3. Any of the parties interested in any proceedings provided by the first and second sections of this act may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award; such appeal to be in the same form as now governs appeals from the awards of arbitrators, the party appealing to pay the costs incurred and to give bond, with one surety, for the payment of all costs which may thereafter be incurred; and upon such appeal being perfected the court shall frame an issue, which issue shall be placed at the head of the next trial list then open, and shall be tried by the court and jury in the same manner as feigned issues are now tried, and upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers in the first section of this act, and if the jury shall find in favor of the city and award any compensation to the owner or owners of said property, premises, building, business or occupation, judgment shall be entered upon the verdict of a jury; *Provided, however*, That no execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated, and return thereof made to the court, upon which the court shall have power to award execution or other process necessary to enforce the collection of the judgment.

Id. § 3.

Either party may appeal.

Form of appeal.

Costs and bond.

Issue to be framed.

To be tried by jury.

Finding and award.

Execution not to issue on judgment before nuisance is abated.

26 June 1896.
§ 4.

On failure to
abate nuisance
within sixty
days, city au-
thorities to
proceed to
abate the
same.

Expense to be
deducted from
amount
awarded.

Id. § 5.

Act not to
apply to
nuisances
per se.

4. Whenever the award of viewers or the verdict of a jury shall find that a nuisance exists, and the owner or owners of any property, premises, building, business or occupation causing the same shall fail to abate the same within sixty days from the date of the judgment, the authorities of said city shall have full power and authority to enter upon said property, premises or building where said nuisance exists, and abate the same, and shall not be liable in any form of action for so doing; and the cost and expense of abating the same shall be deducted from any compensation awarded in said proceedings.

5. This act is intended to apply only to such nuisances as are not such per se, and all acts or parts of acts inconsistent herewith shall be and the same are hereby repealed.

Ordinances.

[See CORPORATE POWERS—LEGISLATIVE DEPARTMENT.] .

1. How ordinances to be passed. To be referred and printed. Subject to be expressed in title.

2. Bills to be read at length. Amendments. Vote on final passage to be by yeas and nays.

3. Vote on amendments. Reports of conference committees.

4. Computation of time in statutes or

rules of court. Legal holidays to be omitted. Proviso.

5. Rule to apply to municipal ordinances, resolutions, etc.

6. Misnomer, omission, etc., in title of municipal corporation not to affect validity of ordinances. Proviso.

7. Ordinances not recorded as required by law to be recorded within thirty days. To be valid when so recorded.

23 May 1899.
Art. IV., § 2.
P. L. 282.

How ordinan-
ces to be
passed.
To be referred
and printed.

1. No ordinance shall be passed by councils except by bill, and no bill shall be so altered or amended on its passage through either branch as to change its original purpose.

No bill shall be considered unless referred to a joint or separate committee, returned therefrom and printed for the use of the members; and

which it was introduced or reported.¹ On its final passage^{23 May 1889. Art. IV.} the vote shall be taken by yeas and nays, and the names of the persons voting for and against the same be entered on the journal, and no bill shall be passed finally unless a majority of the members elected to each branch be recorded thereon as voting in its favor.²

3. No amendment to bills by one branch shall be concurred in by the other except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against the same recorded upon the journal thereof; and reports of committees of conference shall be adopted in either branch only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

4. Where by any existing law or rule of court, or by any law or rule of court that may hereafter be enacted and made, the performance or doing of any act, duty, matter, payment or thing shall be ordered and directed, and where any court shall, by special or other order, direct the performance or doing of any act, matter, payment, sentence or decree, and the period of time or duration for the performance or doing thereof shall be prescribed and fixed, such time in all cases shall be so computed as to exclude the first, and include the last days of any such prescribed or fixed period or duration of time;³ *Provided*, That whenever the last day of any such period shall fall on Sunday, or on any day made a legal holiday⁴ by the laws of this commonwealth, or of the United States, such day shall be omitted from the computation; *And provided*, That this act shall not apply to the payment of negotiable paper.⁵

5. The provisions of this act shall also apply to the ordinances, resolutions, by-laws and other regulations of all municipal or other public or private corporations now existing or hereafter created.⁶

6. No misnomer, omission, informality, or irregularity heretofore made or occurring of or in the name, style or title of any municipal corporation of the commonwealth of Penn-

¹This restriction applies with equal force to both branches of councils, that in which a bill has been first introduced as well as the other branch to which it has been messaged or reported after it has been fully acted on by the former. *Altoma v. Bowman*, 171 Pa. 307.

²This language is identical with the constitutional requirement relative to the passage of an act of assembly. The legislative interpretation of the provision is that the constitutional majority is the majority of the whole constituent number of the branch when its membership is full, without regard to existing vacancies. *Senate Decisions*, Smull's Leg. Hand. (1889), 568, 583.

³This statute was declaratory of the law as it existed prior to its passage. *Lutz's App.*, 124 Pa. 273.

⁴Existing legal holidays are designated by the Act of June 23, 1897, P. L. 188. They interfere in no wise with the lawful transaction of secular business, public or private, their only significance in this respect being, by the provisions of the act, in reference to the maturity and payment of negotiable paper.

⁵Its operation is limited exclusively to the cases therein specified. *Cascade Overseers v. Lewis Overseers*, 148 Pa. 333.

⁶By the Act of April 13, 1887, P. L. 21. "the mean solar time of the seventy-fifth meridian of longitude west of Greenwich, commonly called eastern standard time," is fixed as the sole and uniform legal standard of time throughout the commonwealth.

10 March 1905

Misnomer, etc.,
in title of municipal corporation not to affect validity of ordinances.

sylvania, in any ordinance, by-law or regulation passed by the councils thereof, and approved by the mayor or burgess thereof, for the government of the inhabitants within the territorial limits comprising the same; or in elections held therein to incur or increase the indebtedness thereof; or in the annexation of territory thereto or extending the limits thereof, over which jurisdiction has been and now is exercised by the corporate authorities; or in the issuing of bonds for the indebtedness thereof; or in deeds or other conveyances of lands or hereditaments, to or from the same; or contracts by or with the same; or in any other ordinance, matter or thing within the lawful powers or duties thereof, shall invalidate the same; but all such ordinances, elections, annexations or extensions of territory, bonds, deeds, contracts, and all other matters or things done as aforesaid, are hereby validated and made good in law, as if done in the proper corporate name of such municipality; *Provided*, That the matters hereinbefore validated shall be otherwise legal; and that this act shall not affect any suit or suits now pending.

Proviso.

8 April 1905.
§ 1. P. L. 119.

Ordinances not recorded as required by law to be recorded within thirty days.

7. In all cities or boroughs of this commonwealth the city clerks or the clerks of the select or common council, of the said city or borough, whose duty it is to record all ordinances passed by the select and common councils and approved by the mayor, or passed by a legal majority of councils without his approval, or becoming a law by reason of the mayor not having returned the same, and who have duly published any such ordinance or ordinances, as required by law, but have failed or neglected, within the time directed by law, to so record any such ordinance or ordinances, in books provided by the said cities or boroughs for that purpose, be and they are hereby authorized to record all such ordinances within

Passenger Railways.

1. Constitutional provision.
2. Incorporation of street railway companies. Occupation of streets.
3. Branches or extensions. Resolution to be filed. If governor approves, certificate to issue.
4. Right of companies to use portions of tracks of other companies. Consent of company whose tracks are used.
5. Consent of local authorities to construction of passenger railways. Route to be continuous.
6. When construction of railway to begin. To be completed within two years.
7. Passenger railways may be constructed along turnpikes. Consent of owners of fee to be obtained. Compensation to be made before entry. Proceedings in case parties cannot agree. Viewers to be appointed. Damages to be assessed. Confirmation of report. Appeal. Payment of award into court. Security.
8. Crossing of steam, etc., railroads at grade.
9. Passenger railways to have right of way in streets. Penalty for obstructing passage of cars.

10. Passenger railways may carry U. S. mails.

11. Portions of road may be abandoned with consent of local authorities. Contract to be filed. Rights of steam railroads not to be affected. When franchise to be deemed abandoned.

12. Application to local authorities to use streets to be made within two years. Work to begin within same period. In default, right to be deemed abandoned.

13. Companies may acquire lands for track connections.

14. Passenger railway lines not to connect with railroads.

15. Removal of street railway tracks by municipal authorities. Agreement with companies. Contract to be entered into. Stipulation as to non-occupation of streets by other companies. To be enforceable in equity. Contract to form part of charter of company. Right of contracting company not to be forfeited. Rights of steam railroads not to be affected.

16. Repeal.

1. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities.¹

2. Any number of persons, not less than five, may form a company for the purpose of constructing, maintaining and operating a street railway for public use in the conveyance of passengers by any power other than locomotives on any street

Const. 1874.
Art. XVII.,
§ 2.

Constitutional provision.

14 May 1889.
§ 1. P. L. 211.

Incorporation
of street railway companies.

¹ The provisions of Art. XVII., Sec. 4, of the constitution prohibiting railroad, canal or other corporations from purchasing or controlling competing lines, is held from the context not to apply to street railway companies. *Gyger v. Railway Co.*, 138 Pa. 96; though in general the latter are deemed included in all statutory and constitutional provisions relating to railroads. *Hestonville Pass. R. R. Co. v. Philadelphia*, 89 Id. 210; *Milwaukee Boro. v. Railway Co.*, 131 Id. 1; *Gyger v. Railway Co.*, *supra*; *Rafferty v. Central Traction Co.*, 147 Id. 579, 589; *Cheestham v. McCormick*, 178 Id. 186. A city in granting to a street railway company privilege to occupy streets may impose conditions under which the right may be enjoyed. See, upon this general subject, *Larimer, etc., Street Railway Co. v. Larimer Railway Co.*, 137 Pa. 533; *Allegheny City v. Millville Railway Co.*, 159 Id. 411; *Homestead Railway Co. v. Railway*, 166 Id. 162; *Penna. R. R. Co. v. Montgomery Pass. Railway Co.*, 167 Id. 62; *Lekigh Coal and Navigation Co. v. Inter-County Railway Co.*, Id. 75; *Plymouth Township v. Chestnut Hill, etc., Railway*, 168 Id. 181. The general police power of the municipality over streets cannot be limited or destroyed by contract. *McKeesport v. Pass. Railway Co.*, 2 Super. Ct. R. 242. Where the municipal authorities have given their consent to the use by a street railway of a county bridge, which is a part of the public highway, the county commissioners cannot arbitrarily refuse the use of the bridge to the railway company, but they may re-

quire the company to bear the expense of strengthening the bridge, assume the cost of repairs and pay a reasonable rental. *Berks County v. Reading, etc., Cos.*, 167 Pa. 102. See also upon this subject, *Larue v. Oil City Railway Co.*, 170 Id. 249; *Lawrence County v. Railway Co.*, 8 Super. Ct. R. 313. A passenger railway company is bound to keep in repair that portion of the streets occupied by its tracks, but not the remainder. *Harrisburg v. Harrisburg Pass. Railway Co.*, 1 Pears. R. 298. It is under no obligation to replace an existing pavement with one of a more expensive material. *Philadelphia v. Hestonville, etc., R. R. Co.*, 177 Pa. 371. An ordinance requiring it to sprinkle its tracks is a reasonable municipal regulation. *Chester v. Chester Traction Co.*, 5 Dist. R. 609. With regard to limit of speed of its cars no general rule can be laid down: the greatest rate of speed consistent with public safety may be maintained. *Kline v. Traction Co.*, 181 Pa. 276. As to construction of ordinances imposing upon such companies the duty of reconstructing streets and keeping the same in repair, see *Norristown v. Railway Cos.*, 148 Pa. 87; *McKeesport v. Railway Co.*, 158 Id. 447; *Philadelphia v. Railway Co.*, 169 Id. 269; with reference to the relative liability of the companies and abutting owners for cost of paving streets, *Philadelphia v. Market Co.*, 154 Pa. 93; *Philadelphia v. Bowman*, 175 Id. 91; and concerning rights of abutting owners on public roads where tracks are laid, *Heilman v. Railway Co.*, 180 Id. 627.

14 May 1880.

Occupation of
streets.

or highway, now laid out or to be laid out, and upon which no track is laid or authorized to be laid, under any existing charter, with the privilege of occupying so much of any street, highway or bridge so occupied or authorized to be occupied, as is hereinafter provided.¹

Id. § 4.

Branches or
extensions.

Resolution to
be filed.

3. Any company incorporated under this act, desiring authority to construct any branch or extension, shall file in the office of the secretary of the commonwealth a duly certified copy of a resolution of its stockholders, setting forth in detail the route of the proposed branch or extension, which paper shall be forthwith presented to the governor for his approval; and if the governor shall be of opinion that said proposed branch or extension is within the general scope of the original charter, and does not conflict with any rights previously granted and in existence, he shall approve the same; whereupon the secretary of the commonwealth shall issue a certificate that said branch or extension has been duly authorized, and, upon the same having been duly recorded in the county or counties within which such extension lies, said company shall be vested with the right to construct and operate the same, provided it receives consent from the proper local authorities.

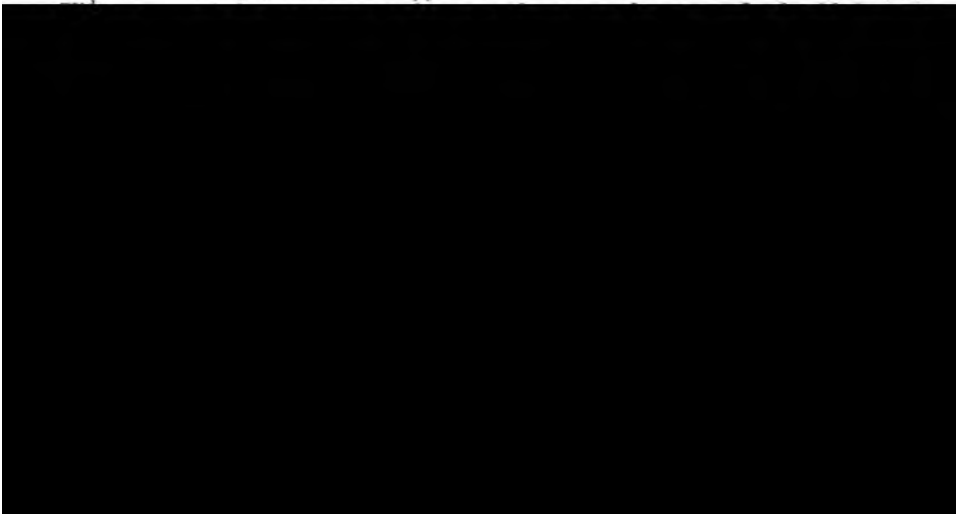
If governor ap-
proves, certifi-
cate to issue.

Id. § 14.

Right of com-
panies to use
portions of
tracks of other
companies.

4. Any passenger railway company, incorporated under this act, shall have the right to use such portion of the single or double tracks of any other passenger railway company or companies, incorporated under this or any general or special act, as it may require, either to complete a circuit upon its road or upon any of its branches or extensions, or to connect its road with any and all its branches and extensions, or with the road of any other passenger railway company; *Provided*, That there shall be filed with the application for a charter, or for authority to construct any branch or extension, a certified copy of a resolution of the board of directors

Consent of
company whose
tracks are



of any city, borough, or township, without the consent of the local authorities thereof; nor shall any street passenger railway be incorporated hereunder which shall not have a continuous route from the beginning to the end, including connections made with each of its branches and extensions, or they with each other, and including the use of the track of other companies, with the consent thereof, as authorized under section fourteen as herein amended.¹

14 May 1889.

Consent of local authorities to construction of passenger railways.

Route to be continuous.

6. Any company proposing to construct a street railway or any branch or extension thereof, under the provisions of this act, shall in good faith commence the construction thereof within one year after the consent of the proper local authorities of the city, borough or township within which the same is located shall have been obtained, and shall be completed within two years thereafter, unless the time shall be extended by the authority aforesaid.²

Id. § 16.

When construction of railway to begin.

To be completed within two years.

7. Any passenger railway incorporated under this act shall have, and is hereby granted, power, by its officers and servants to ascertain and define such route as they may deem expedient, over, upon, across and along any turnpike or turnpikes, or portion thereof, not already occupied, and not, however, exceeding sufficient width for two tracks to be laid down on, over, across and along such turnpike or turnpikes, or portion thereof; and thereupon, on, over, across and along such turnpike or turnpikes, or portion thereof, to lay down, construct and establish a track or tracks for its use in the transaction of its business; and thereupon to use the same in its general business;³ *Provided*, That the consent of the owners of the underlying fee shall have first been obtained; *And provided further*, That before such passenger railway company shall enter upon and use any such turnpike or turnpikes, or portion thereof, in the laying of tracks and use of the same, it shall make compensation to the turnpike company for such occupation and use of said turnpike or turnpikes, or portion thereof. In case the parties cannot agree as to the amount of compensation to be paid, then the court of common pleas of the proper county, upon the petition of the corporation seeking the privilege, shall appoint five persons to view the premises, and assess

Id. § 17.

Passenger railways may be constructed along turnpikes.

Consent of owners of fee to be obtained.

Compensation to be made before entry.

Proceedings in case parties cannot agree.

Viewers to be appointed.

¹Under the Act of 1889, two street railways cannot be authorized to lay their tracks upon the same highway. *Homestead Street Railway v. Pittsburgh, etc., Railway*, 166 Pa. 162. The above section neither enlarges nor diminishes the constitutional powers of the local authorities. *Allegheny City v. Millville, etc., Railway*, 159 Id. 411. Street railways must conform to the grade of the streets they occupy, but may diverge for a short distance from such streets where the topography renders it necessary. *Rahn Township v. Tamaqua, etc., Railway*, 167 Id. 84.

²This provision does not prevent the local authorities from making it a condition of their consent that the road shall be completed within a less time than two years. *Plymouth Township v. Chestnut Hill, etc., Railway*, 168 Pa. 181. See also, *Nanticoke, etc., R'way Co. v. People's, etc., R'way Co.*, 212 Id. 395.

³A street railway occupying a turnpike is not authorized to change the grade thereof, except so far as is reasonably necessary, and its line of rails must closely conform to such grade. *Berks and Dauphin Turnpike Road v. Lebanon and Myerstown Street Railway Co.*, 3 Dist. R. 55.

- 14 May 1889. the compensation for the use of such turnpike or turnpikes, or portion thereof. The jury so appointed shall hear the testimony, and shall make a report to the court, assessing the damages which the said turnpike company shall be paid for the use of the said turnpike road, or portion thereof; and if no appeal shall be taken from the said report, the court shall, at the expiration of thirty days, confirm the said report; and the amount so fixed by the jury shall be forthwith due and payable; *Provided, however,* That either party shall have the right of appeal, within the said thirty days, from the award of the jury, as now provided by law. If the corporation seeking to use said turnpike road or portion thereof shall be dissatisfied with such award, and shall appeal therefrom, it shall nevertheless have the right to immediately use the same, upon paying the amount of such award into court, to await the determination of such appeal. If such turnpike company shall appeal from such award, the corporation seeking to use such turnpike road, or portion thereof, shall enter security in such amount as the said court shall direct and approve; whereupon, such security being entered, the company so entering the same shall have the right to the immediate use of such turnpike, turnpikes, or portions thereof.
- Damages to be assessed.
- Confirmation of report.
- Appeal.
- Payment of award into court.
- Security.

Id. § 18. 8. Any company incorporated under the provisions of this act shall have the right, in its construction, to cross at grade, diagonally or transversely, any railroad operated by steam or otherwise, now or hereafter built.¹

Crossing of steam, etc., railroads at grade.

Id. § 19. 9. Street passenger railway companies in operating their roads shall have the right to the street, and any willful obstruction to the passage of their cars on their way between the stations shall be punishable, on conviction before any magistrate by a fine of not more than ten dollars for each offense, to be recovered as fines of like amount are now by law recover-

Passenger rail-ways to have right of way in streets.

Penalty for obstructing passage of cars

11. Any company incorporated under the provisions of an act, entitled "An act to provide for the incorporation and government of street railways in this commonwealth," approved May fourteenth, Anno Domini one thousand eight hundred and eighty-nine, is hereby authorized and empowered, by contract with the local authorities, but not otherwise, to temporarily abandon, or to postpone the exercise of its franchise over, the whole or a portion of its route, under such terms and conditions as may be agreed upon between such company and the said local authorities, a duplicate of which contract shall be filed in the office of the secretary of the commonwealth; *Provided, however,* That nothing in this section contained, nor any contract made in pursuance thereof, shall be construed to limit or affect in any way, or impose any additional liability for the exercise of the right of a steam railroad company to lay its tracks over, upon, under and across such street or streets, or portions thereof; and in case any company, not having received consent to so temporarily abandon or postpone the exercise of its franchise over the whole or a portion of its route, fails to complete its whole route during the time limited by the local authorities, it shall be deemed to have permanently abandoned the portion not so completed; but the said company shall have authority to maintain and operate the portion so completed, provided it constitutes, either by itself or with portions of the tracks of other companies which it may be authorized to use, a complete circuit for its cars.

21 May 1888.
§ 4.

Portions of road may be abandoned with consent of local authorities.

Contract to be filed.

Rights of steam railroads not to be affected.

When franchise to be deemed abandoned.

12. Any company which does not, within two years from the date of its incorporation, make formal application to the local authorities of the proper city, borough or township for leave to occupy and use the streets, highways, or bridges which, by its charter, it is authorized to occupy and use, and any company which heretofore has obtained or hereafter does obtain legislative or municipal consent to occupy and use any streets, highways, or bridges, and does not forthwith diligently proceed to occupy and use the same, and does not begin work within two years after such consent shall be obtained, and complete its road, or a portion thereof, as herein provided, within the time limited by such consent, or any extension thereof, shall be deemed to have abandoned the right to occupy and use such streets, highways, and bridges not so used; and the same may be occupied and used by any other company, duly chartered and obtaining consent so to do: *Provided, however,* That no company shall be privileged to use any street temporarily abandoned, or the use of which is temporarily postponed, in accordance with the provisions of this act or of any other act of the general assembly.

7 June 1901.
§ 6. P. L. 522.

Application to local authorities to use streets to be made within two years.

Work to begin within same period.

In default, right to be deemed abandoned.

13. Any railway company, incorporated under this act, shall have the right and power, if it deem it to be necessary in order to make connections with any portion of its track, whether main line, branches or extensions, to acquire prop-

Id. § 7.

Companies may acquire lands for track connections.

7 June 1901. erty, either by purchase or otherwise; and after acquiring such property, shall have the right to lay its tracks upon the same as if it were a public highway, and to connect the track, so laid upon the property so acquired, with any other portions of its track laid upon public highways adjacent thereto.

Id. § 8.

**Passenger rail-
way lines not
to connect
with railroads.**

14. No street passenger railway company, heretofore or hereafter incorporated under the act hereby amended, shall be authorized or permitted to connect its tracks with the tracks of any railroad company, incorporated under any law of this state for the transportation of both passengers and freight, nor shall the interchange of cars and continuous movement thereof between and over the tracks of such street passenger railway company and such railroad company be authorized or permitted.

**8 May 1906.
§ 1. P. L. 379.**

**Removal of
street railway
tracks by mu-
nicipal au-
thorities.**

**Agreement
with com-
panies.**

**Contract to be
entered into.**

**Stipulation as
to non-occupa-
tion of streets
by other com-
panies.**

15. In case the local authorities of any city, borough, or township shall deem it necessary for the public benefit and convenience to secure the removal of any street railway tracks already laid, or prevent the laying of such tracks already authorized to be laid, or to change the route of any street railway on any street or streets, or portion of a street or streets, within its corporate limits, and such purpose or purposes can be accomplished by agreement with the street passenger railway company or motor-power company owning, leasing or operating such tracks, it shall and may be lawful for the said parties to enter into a contract, for a period not exceeding fifty years, for such considerations and upon such terms and conditions, and containing such stipulations, reservations and covenants as may be agreed upon between the respective parties thereto; and such contract may include a covenant providing that, during the continuance thereof, municipal consent shall not be granted to any other company to use or occupy the street,

entering into such contract, so as to operate in favor of any ³ May 1905. company subsequently formed and seeking to occupy, for street railway purposes, the street, streets, or portions of a street or streets, covered by such contract; *Provided, however,* That nothing in this act contained, nor any contract made in pursuance thereof, shall be construed to limit or affect in any way, or impose any additional liability for the exercise of, the right of a steam railroad company to lay its tracks over, upon, under, and across such street or streets, or portions thereof.

Rights of steam railroads not to be affected.

16. All laws and portions of laws, whether special or general, in so far as the same may be inconsistent herewith, are hereby repealed.¹ Id. § 2. Repeal.

¹ Section 20 of the Act of May 14, 1889, P. L. 217, provides that existing passenger railway companies incorporated under previous acts may accept its provisions, to which they shall thereafter become subject. Upon the acceptance being filed in the office of the secretary of the commonwealth, new letters-patent are to be issued to the corporation under its original name. This section was intended to afford a way for companies organized under laws that were invalid to secure a lawful corporate character, and also to

open a way for companies legally organized under special acts of assembly to surrender their special privileges and obtain those provided by the statute. *Berks Co. v. Reading, etc., Cos.*, 187 Pa. 102. The Act of June 7, 1901, P. L. 523, and its supplement of June 19, 1901, P. L. 572, provide for the incorporation and government of passenger railways, either elevated or underground, or partly elevated and partly underground, with surface rights. See also the qualifying Act of June 20, 1901, P. L. 577.

Police.

[See FINES AND PENALTIES—MAYOR—RAILROADS.]

I. APPOINTMENT, POWERS AND DUTIES OF POLICEMEN.

1. Councils to fix number, rank and compensation of police force. Policemen not to take rewards. Exception. Mayor to appoint, suspend and dismiss policemen. Substitutes. Compensation. Chief and subordinates. Deposition of officers.
2. Powers and duties of policemen. Service of process. Fees therefor. Policemen to obey orders of mayor. Removal.
3. Night watchmen may be appointed by court of quarter sessions on application of owners or occupiers of real estate. Powers of such watchmen. Not to serve process. Appointments to be made by department of public safety in certain cities.
4. Policemen to receive fixed salary. Not to accept other compensation, except public rewards and mileage.

5. Constables employed as policemen not to accept fees, except public rewards and mileage.

6. Violation of act to be misdemeanor. Penalty.

II POLICE PENSION FUND.

7. Boroughs and cities may establish a police pension fund. How fund to be maintained and applied.
8. Minimum period of service of police to entitle to retirement. Final discharge.
9. Payments not to be a charge on any other fund. Basis of apportionment of pension.
10. Gifts, etc., may be taken in trust for pension fund. How trust fund to be managed and disposed of.
11. Termination of right to participate in fund.

I. Appointment, Powers and Duties of Policemen.

1. The councils shall fix by ordinance the number, rank and compensation¹ of the members of the city police force, and prescribe all necessary rules and regulations for the organization and government thereof, in accordance with this act; and it shall be a misdemeanor in office for any policeman

²³ May 1889. Art. VII., § 4. P. L. 290.

Councils to fix number, rank and compensation of police force.

¹ As to payment of policemen's salary by mandamus proceeding, after judgment, see *Commonwealth v. Hinkson*, 161 Pa. 266; and withholding of salary for absence from duty, *Wilkesbarre v. Meyers*, 113 Id. 395; *Cox v. Oil City*, 157 Id. 613; *Williams v. Harrisburg*, 4 Dauph. Co. R.

47. Policemen hold their appointment subject to the rules of the police department. *Craighead v. City*, 5 Dist. R. 310. Policemen appearing in answer to a court subpoena are entitled to witness fees. *Davis v. Schuylkill County*, 27 Pa. C. O. R. 177.

23 May 1889.
Art. VII.

Policemen not
to take re-
wards.

Exception.

Mayor to ap-
point, suspend
and dismiss
policemen.

Substitutes.

Compensation.

Chief and sub-
ordinates.

Deposition
of officers.

Id. § 5.

Powers and
duties of
policemen.

Service of
process.

to ask, demand or receive any other compensation or reward, whatsoever, for his official services, to be followed by dismissal from office; *Provided*, That members of the police force may receive and retain rewards offered for the arrest of persons accused of crimes committed outside of the city in which they hold office. The mayor shall nominate and, by and with the advice and consent of the select council, appoint said policemen, and at his pleasure dismiss any or all of them,¹ and, in like manner all vacancies shall be filled; and the mayor may, in his discretion, suspend any policeman for a period not exceeding thirty days without pay. In case of the temporary absence of any policeman from duty, from sickness or otherwise, the mayor may appoint a substitute, to serve for such period as he may designate, not exceeding ten days, for such compensation as may be fixed by councils. He shall designate from the force the chief and other subordinate officers, who shall be subject to the direction and control of the mayor, and shall serve as such officers until their successors be duly designated, and they may be deposed from such offices at any time by the mayor who designated them or by his successor in office, and other members of the force designated in their places.²

2. Policemen shall be ex-officio constables of the city, and shall and may without warrant and upon view arrest and commit for hearing any and all persons guilty of breach of the peace, vagrancy, riotous or disorderly conduct, or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens,³ or violating any of the ordinances of said city, for the violation of which a fine or penalty is imposed. They shall have authority to serve and execute all criminal process, or process for the violation of the city ordinances which may be issued by the mayor or any alderman,

fore councils whenever required. The mayor shall exercise a ^{23 May 1889.} constant supervision and control over their conduct,¹ and hear and determine all complaints against them in the discharge of their duties,² and he shall be required to remove from office any member or officer of the police force, upon a resolution of that effect passed by two-thirds of both branches of councils.

3. It shall be lawful for any number of persons owning or occupying real estate in any city, borough, or township of this commonwealth, upon application to, and with the approval of the court of quarter sessions of the proper county, to employ a night watchman or night watchmen for the purpose of protecting their premises and property in the night time, and all persons so appointed, with the approval aforesaid, as night watchmen, shall have, exercise and enjoy all the rights, powers and privileges now vested by law in constables or police officers duly elected or appointed in said cities or boroughs; *Provided, however,* That such night watchmen shall not exercise the power of serving subpoenas, or any civil or other process; *Provided,* That in any city having a department of public safety all such applications shall be made to, and granted by, the director of said department, under such rules and regulations as may be adopted by said department.³

Removal.

26 June 1895.
§ 1. P. L. 833.

Night watchmen may be appointed by court of quarter sessions on application of owners or occupiers of real estate.

Powers of such watchmen.

Not to serve process.

Appointments to be made by department of public safety in certain cities.

¹ Police officers, though appointed to perform duties of a public nature, cannot be regarded as the servants of a municipal corporation, and the latter is not liable for their unlawful or negligent acts. *Elliott v. Philadelphia*, 75 Pa. 347; *Norristown v. Fitzpatrick*, 94 Id. 121. Nor for those of members of the fire department. *Freeman v. Philadelphia*, 7 W. N. C. 45; *Knight v. Philadelphia*, 15 Id. 307; *Lilly v. Scranton*, 18 Pa. C. C. R. 433. On the other hand, a city engaging in the business of furnishing water, gas or electric light to its citizens is liable for the negligent acts of the employees of such departments. *Philadelphia v. Gilmartin*, 71 Pa. 140; *Kibele v. Philadelphia*, 105 Id. 41; *Bodge v. Philadelphia*, 167. Id. 492.

² The mayor and not councils has the right to hear and determine in the first instance charges of misconduct against policemen. *Nichols v. Weiss*, 9 Kulp 548.

³ The Act of May 23, 1887, P. L. 173, regulating the appointment of private detectives for hire or reward, provides that upon payment of a fee of twenty-five dollars for the use of the county, giving bond in \$2,000 to the commonwealth, and furnishing proof of competency and integrity, such detectives may be licensed for three years by the court of quarter sessions, the license being revocable at any time for cause shown. Their powers extend to the service of criminal process generally. As to construction of this act (amended by Act of May 31, 1901, P. L. 355) in reference to the prerequisites for appointment, see *Burnett's Application*, 17 Pa. C. C. R. 394; *Smith's Petition*, 5 Dist. R. 465, and as to the scope of the act as amended relative to the classes of detectives to which it is intended to apply, see the comments of the governor

appended to the approval of the amending act. The Act of May 5, 1897, P. L. 39, prohibits the false personation of a detective or any elective or appointed officer, and prescribes the penalty therefor. The county detective is appointed by the district attorney, with the approval of the court of quarter sessions, under the Act of May 19, 1874, P. L. 218, and supplement of April 13, 1876, P. L. 28. He is constituted a general police officer and has all the powers of a constable in reference to criminal procedure. His compensation is fixed by the court, except in counties of over 150,000 population, where the office is a salaried one. By the Act of April 26, 1883, P. L. 14, agricultural and horticultural societies are authorized to appoint special policemen to serve during the exhibitions. As to their powers to make arrests, see *Commonwealth v. Jayne*, 11 Super. Ct. R. 459. By the Act of June 7, 1901, P. L. 508, the mayor is authorized to appoint and commission private policemen for passenger railways, on application of the companies by whom they are to be compensated. The Acts of February 27, 1865, P. L. 225, and April 11, 1866, P. L. 99, authorize the commissioning by the governor of "railway police," and "coal and iron police," for special duty upon railroads or at collieries, furnaces and rolling mills, at the expense of their employers. Their commissions are to be recorded in the county recorder's office, and they are invested with the powers of policemen of the city of Philadelphia, and may arrest without warrant for breaches of the peace committed in their presence. See *Weiler v. Pennsylvania R. R. Company*, 12 Pitts. Leg. Jour. 347; *Railroad Police*, 9 Dist. R. 36.

The Act of May 2, 1905, P. L. 331,

14 July 1897.
§ 1. P. L. 206.

Policemen to
receive fixed
salary.

Not to accept
other com-
pensation.

Except public
rewards and
mileage.

Id. § 2.

Constables
employed as
policemen not
to accept
fees.

Except pub-
lic rewards
and mileage.

Id. § 3.

Violation of
act to be mis-
demeanor.

Penalty.

4. From and after the passage of this act all municipalities or corporations employing policemen within the commonwealth of Pennsylvania shall pay to all such policemen a fixed or stipulated salary; and hereafter it shall not be lawful for any such policeman to charge or accept any fee or other compensation, in addition to his salary, for any service rendered or performed by him of any kind or nature whatsoever, pertaining to his office or duties as a policeman except public rewards and the legal mileage allowed for traveling expenses.¹

5. From and after the passage of this act it shall not be lawful for any high, ward, township or other constable who is at the same time employed as a policeman in any city, borough or other part of this commonwealth to charge or accept any fee or other compensation in addition to the salary paid to him as a policeman, for any service rendered or performed by him pertaining to his office or duties, either as a policeman or as such high, ward, or other constable, except public rewards and the legal mileage allowed to constables for traveling expenses.²

6. Any policeman or constable employed as a policeman as aforesaid violating any of the provisions of the several sections of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars and costs, or undergo imprisonment in the jail of the proper county not exceeding thirty days, or both, at the discretion of the court.

II. Police Pension Fund.

24 May 1893.
§ 1. P. L. 129.

Boroughs and

7. The several boroughs and cities of this commonwealth, incorporated by general or special laws, shall have power to

members of the police force as shall receive honorable discharge therefrom by reason of age or disability, and the families of such as may be injured or killed in the service; but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale. 24 May 1893.

8. Such ordinance may prescribe a minimum period of continuous service, not less than twenty years, after which members of the force may be retired from active duty, and such members as [are] retired shall be subject to service from time to time as a police reserve until unfitted for such service, when they may be finally discharged by reason of age or disability. Minimum period of service of police to entitle to retirement.
Final discharge.

9. Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or borough, or under its control, save the police pension fund herein provided for. The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of death, honorable discharge or retirement, and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate. Payments not to be a charge on any other fund.
Basis of apportionment of pension.

10. It shall be competent for any such city or borough to take by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such pension fund, and the care, management, investment and disposal of such trust funds or property shall be vested in such officer or officers of such city or borough for the time being, as the said city or borough may designate, and such care, management and disposal shall likewise be directed by ordinance, and the said trust funds shall be governed thereby, subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe. Id. § 2.
Gifts, etc., may be taken in trust for pension fund.
How trust fund to be managed and disposed of.

11. Whenever any person shall become entitled to receive a benefit from the police pension fund, and shall have been admitted to participate therein, he shall not be deprived of his right to an equal and proportionate participation therein upon the basis upon which he first became entitled thereto, save from one or more of the following causes, that is to say, conviction of a crime or misdemeanor, becoming an habitual drunkard, becoming a non-resident of the state, or failing to comply with some general regulation relating to the management of said fund which may be made by ordinance, and which may provide that a failure to comply therewith shall terminate the right to participate in the pension fund, after such due notice and hearing as shall be prescribed by ordinance. Id. § 3.
Termination of right to participate in fund.

Poor.

1. Additional corporate powers of cities of the third class. Cities authorized to create poor department. Department to be subject to control of councils. Annual tax

to be levied. Necessary offices may be created.

2. Act not to repeal local laws.

3. Overseers to furnish relief in certain cases.

13 May 1889.
§ 1. P. L. 192.

Additional corporate powers of cities of the third class.

1. Cities of the third class, and other cities containing less than ten thousand inhabitants coming within the provisions of an act of assembly, entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, in addition to the other powers conferred in said act, are authorized and empowered to enact ordinances for the following purposes:

Cities authorized to create poor department.

Department to be subject to control of councils.

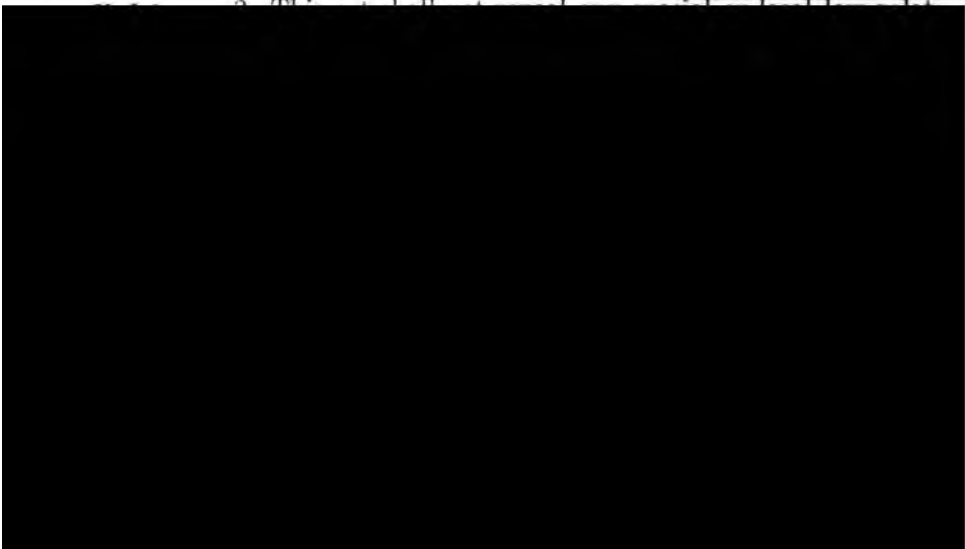
First. To create a department for the purpose of administering charity and for the support of the poor, and such department shall have the care, management, administration and supervision of the charities, almshouses, poorhouses and the relief of the poor of said city, subject, however, to the control of the councils.

Annual tax to be levied.

Second. To levy a tax annually, not exceeding ten mills on the dollar, on all persons and property taxable by each of said cities for city purposes, for the support of said department.

Necessary offices may be created.

Third. To create any office which may be deemed necessary by any such city for the proper government, support and management of said department, to regulate and prescribe the powers, duties and compensation of all such officers, and to require of each of them bonds, with sufficient security, conditioned for the faithful performance of his duties.



Posters.

1. Defacing walls, fences, etc., by posting bills, etc., prohibited. Penalty.
 2. Mutilation or destruction of show bills, posters, etc., prohibited. Penalty. When provisions of act not to apply.

3. Defacing public property by posters, prohibited. Legal notices, etc., excepted.
 4. Placing posters, etc., on private property, prohibited. Legal notices, etc., excepted.
 5. Penalty. Removal of poster.

1. If any person or persons shall, without the consent of the owner or owners thereof, wilfully daub, paint advertisements or post placards upon, or otherwise deface the walls of any building or buildings, house or houses, or the fences around the yard or yards connected therewith, or any fences surrounding or inclosing any vacant lot or lots, farm or farms, or shall cause the same to be done by others; or if any person or persons shall, without the consent of the owner or owners thereof, daub, paint advertisements or post placards upon, or otherwise deface any tree or trees, or shall cause the same to be done by others, such offender or offenders shall be guilty of a misdemeanor, and, upon conviction, be sentenced to pay a fine not exceeding twenty-five dollars, and undergo an imprisonment not exceeding thirty days, or both, or either, at the discretion of the court.

2. Any person found guilty of wilfully and maliciously mutilating, destroying, tearing down or removing any show bill, placard, programme, poster or other advertisement posted upon any rail, fence, bill board or other structure in or located upon any public highway in this commonwealth, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars; *Provided*, The penalties of this act shall not apply to those tearing down or removing show bills, play bills, posters, programmes, after the performance therein advertised, or to the owner or tenant of any building, fence or other structure when the same has been posted or put up without his or their consent, except such owner or tenant be the bill poster putting up or employed to put up the same.

3. No person shall paste, paint, brand or stamp, or in any manner whatsoever place upon or attach to any building, fence, bridge, gate, outbuilding or other object, upon the grounds of any charitable, educational or penal institutions of the state of Pennsylvania, or upon any property belonging to the state of Pennsylvania, or to any county, township, borough or city therein, any written, printed, painted or other advertisement, bill, notice, sign or poster; *Provided*, That nothing herein shall be so construed as to prevent the posting of any notice required by law or order of court to be posted, nor to prevent the posting or placing of any notice particularly concerning or pertaining to the grounds or premises upon which the same is so posted or placed.

4. No person shall paste, paint, brand, stamp, or in any manner whatsoever place upon or attach to any building, fence, bridge, gate, outbuilding, or property of another,

8 June 1881.
 § 1. P. L. 88.
 Defacing walls, fences, etc., by posting bills, etc., prohibited.

Penalty.

6 May 1887.
 § 1. P. L. 87.
 Mutilation or destruction of show bills, posters, etc., prohibited.
 Penalty.

When provisions of act not to apply.

10 March 1908.
 § 1. P. L. 20.
 Defacing public property by posters, prohibited.

Legal notices, etc., excepted.

Id. § 2.

Placing posters, etc., on private property, prohibited.

10 March 1908

Legal notices,
etc., excepted.

Id. § 3.

Penalty.

Removal of
poster.

whether within or without the limits of a highway, any written, printed, painted, or other advertisement, bill, notice, sign, card or poster, without first having obtained the written consent of the owner, or tenant lawfully in possession or occupancy thereof; *Provided*, That nothing herein shall be so construed as to prevent the posting of any notice required by law or order of court to be posted, nor to prevent the posting or placing of any notice particularly concerning or pertaining to the grounds or premises upon which the same is so posted or placed.

5. Every person violating the provisions of this act shall be liable to a penalty of not less than five dollars nor more than twenty dollars, to be recovered before any magistrate or justice of the peace, as fines and penalties are by law recoverable; and such written, printed, painted, or other advertisement, bill, notice, sign, card, or poster is hereby declared to be a public nuisance, and may be removed and abated as such.

Professional Thieves.

1. Arrest and summary conviction of professional thieves. Commitment. Security

for good behavior. Appeal to court of quarter sessions.

7 June 1901.
§ 1. P. L. 492.

Arrest and
summary con-
viction of pro-
fessional
thieves.

1. If any person shall be charged, on oath or affirmation, before a magistrate, justice of the peace, alderman, mayor or burgess in this commonwealth, with being a professional thief, burglar or pickpocket; and who shall have been arrested by any police officer, detective, constable, sworn peace officer, or watchman at any steamboat landing, railroad depot or station, ferryhouse, on the platform or inside of any street passenger railway car, in any church or the vestibule or corridor thereof, in any building occupied as a banking institution, trust

Public Libraries.

[The Erie Public Library is operated under paragraphs 11 to 16, inclusive.]

1. Cities may take grants and donations to establish free libraries, and make appropriations therefor.

2. Establishment of libraries to be submitted to popular vote, on petition. Rate of library tax.

3. Levy of library tax.

4. Creation of bonded indebtedness.

5. Appointment of board of library directors. Terms. Organization.

6. Library to be free to public. Rules and regulations. Extension of library privileges.

7. Annual report of directors. Contents of report.

8. Councils to impose penalties for injury to library, etc.

9. Donations may be accepted.

10. Application of act.

11. School directors may establish free public libraries.

12. School-houses may be used for depositories of public libraries, or buildings may be purchased or erected. Cost thereof to be first fully provided for.

13. Levy of tax for purchase and maintenance of library.

14. Powers and duties of trustees of library. Composition of board of trustees. Terms of members of board. Vacancies, how filled. Trustees to report to school board.

15. Libraries to be under supervision of state librarian.

16. School boards may receive gifts of lands, etc., for endowment of libraries, and sue for recovery thereof. Application of act.

17. School boards may extend aid to free public libraries already established, and levy taxes for such purpose.

18. Library managers to make annual report to board. Annual account to be audited.

19. Free public libraries in cities of third class. Appropriations therefor.

20. Dedication of real estate by city.

21. Maintenance of library.

22. Corporate management. Powers of corporation. Salaries of officers.

23. Annual report of managers. Audit of accounts.

24. Validation of prior agreements, etc.

1. It shall be competent for any incorporated city within this commonwealth, and the same is hereby empowered to take and hold any grant or donation of money, books and manuscripts, or property, real or personal, for the purpose of establishing a free library within the limits of such corporation, and to make provision, by annual appropriation, for the maintenance of such free library.

23 May 1887.
§ 1. P. L. 179.

Cities may take grants and donations to establish free libraries, and make appropriations therefor.

2. Councils may submit to the qualified voters of the cities of the second and third class and boroughs, at the election to be held on the third Tuesday of February in each year, the question of the establishment and maintenance of a public library in such municipality, and must submit the question, if petitioned for by at least three per centum of the voters registered at the last annual election. At said first mentioned election the question of establishing said public library and the rate of the annual tax, not exceeding two mills on the dollar on all the taxable property in the municipality, shall be submitted and voted upon. A majority of the votes cast on the question shall decide.

17 June 1901.
§ 1. P. L. 569.

Establishment of libraries to be submitted to popular vote, on petition.

Rate of library tax.

3. The rate of tax so voted shall be an annual tax rate until another popular vote is taken changing the same. The tax shall be levied and collected in like manner with the other taxes in the municipality, and shall be in addition to all other taxes, and shall be used for no other purpose than that of establishing and maintaining a public library. The money so raised shall be under the exclusive control of a board of library directors appointed as hereinafter provided.

Id. § 2.

Levy of library tax.

4. If five per centum of the registered voters of any municipality shall petition councils to submit the question of creating a bonded indebtedness, for purchasing ground and erecting buildings for public library purposes, councils must

Id. § 3.

Creation of bonded indebtedness.

17 June 1901. submit the question to be voted upon at the next annual election in the same manner as hereinbefore provided.

Id. § 4.

Appointment of board of library directors.

Terms.

Organization.

Id. § 5.

Library to be free to public.

Rules and regulations.

Extension of library privileges.

Id. § 6.

Annual report of directors.

Contents of

5. The affairs of a public library shall be under the direction and control of a board of directors, of not less than five or more than nine, as determined by councils. They shall be appointed from the citizens at large by the mayor or burgess and confirmed by councils. The first appointees shall be appointed, one-third for one year, one-third for two years, and one-third for three years. The mayor and superintendent of schools of the municipality shall be ex-officio members of the board. The terms of office of the members of the board appointed by the mayor or burgess shall be for three years. The board shall be organized by the election of a president and treasurer from its membership, and such other officers and agents as the board may deem necessary. The treasurer shall be required to give bonds.

6. Every library or reading room established under this act shall be forever free to the use of the inhabitants of said municipality or borough where located, always subject to such reasonable rules and regulations as the board, having the library in charge, may adopt in order to render the use of said library and reading room of the greatest benefit to the greatest number, and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading room to persons residing outside of such municipality or borough, upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

7. Said board shall make an annual report to the councils of such municipality or borough, covering the fiscal year of such municipality or borough; stating the condition of the library and reading room, and the amount of the funds received and expended during the year.



money or real estate, so donated, in the board duly constituted for the management of such library; to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property the board shall be held and considered to be trustees.

10. This act shall not apply to any city or borough wherein a free library has been heretofore established, nor shall it in any way affect the provisions of the act of assembly, approved June twenty-eighth, one thousand eight hundred and ninety-five, entitled "An act for the establishment of free public libraries in the several school districts of the commonwealth, except in cities of the first and second class," or the various supplements thereto; nor shall it in any way affect the provisions of the act of assembly approved May twenty-second, one thousand nine hundred and one, entitled "An act to authorize the co-operation of cities of the third class, school districts thereof and incorporated library associations therein, for the erection and maintenance of free public libraries."

11. For the purpose of securing a system of free, non-sectarian public libraries on a substantial and permanent basis throughout the commonwealth, authority is hereby given to the board of school directors, or to any board or organization having control of the common schools in each and every common school district, except in cities of the first and second class, whenever the same may be decided upon by a majority vote of all the members thereof, to provide a place for and establish and maintain such public library for the general use of the residents in the district, subject to the ensuing provisions of this act.

12. Said board may set aside the whole or a portion of any school house now or hereafter erected within the district for the uses and purposes of such library, having due regard to the convenience of the citizens, and may make any changes, repairs or additions that may be necessary to properly carry out the objects of this act, or at its option may lease, purchase or erect a suitable building in some convenient location for the use, storage and accommodation of such library; but no land or structure shall be purchased or building commenced until the cost thereof has been fully provided for under the laws regulating the erection of new school houses within the district.

13. It shall be lawful for said board to levy a tax for the purchase, improvement and maintenance of said library not exceeding one mill in any one year, which tax shall be included in the tax levy made for school purposes, upon the same subjects of taxation, and shall be collected at the same time and in the same manner.¹

14. The public library of each district shall be under the general management of nine trustees acting as the agents and

17 June 1901.

Id. § 9.
Application
of act.

28 June 1895.
§ 1. P. L. 411.

School directors may establish free public libraries.

Id. § 2.
School houses may be used for depositories of libraries.

Or buildings may be purchased or erected.

Cost thereof to be first fully provided for.

Id. § 3.
Levy of tax for purchase and maintenance of library.

Id. § 4.
Powers and duties of trustees of library.

¹The section amended as above by Act of April 20, 1905, P. L. 231.

- 28 June 1895. appointees of the school board, who shall approve all plans for its storage and accommodation, purchase and take charge of all books, maps, documents, relics and literary, historical or other contributions, appoint all employes and make all regulations and do all things necessary to its government, preservation and maintenance, subject to the approval of the board. The president and treasurer of the board and the superintendent of the schools of the district (or, if there is no such officer, the secretary of the board), shall be ex-officio members of the board of trustees. The other six members shall be elected by the school board, two each for one, two and three years; and annually thereafter two members shall be chosen by said board for the term of three years. Each trustee shall serve until his successor is elected, and in case of a vacancy, it shall be filled by the school board for the unexpired term. The trustees shall make a report to the school board once each year, and oftener if called upon, of such subjects and in such manner as may be required by said board.
- Composition of board of trustees.**
- Terms of members of board.**
- Vacancies, how filled.**
- Trustees to report to school board.**
- Id. § 5. 15. All public libraries established as above shall be under the general supervision and subject to the inspection of the state librarian, who is hereby empowered to require reports thereof to be made by the trustees at such time and in such manner as he may see proper.
- Libraries to be under supervision of state librarian.**
- Id. § 6. 16. It shall be lawful for the school board of any common school district, and their successors in office, to receive and hold, free from all collateral inheritance tax, any devise, bequest, grant, endowment, gift, donation or contribution of property, real, personal or mixed, which shall be made for the establishment, improvement or maintenance of a public library as herein provided for, and the same to apply to the purpose for which made or given, and said board or their successors in office are hereby authorized to bring suit and do all
- School boards may receive gifts of lands, etc., for endowment of libraries.**
- And sue for**

common schools of said district may, instead of establishing another public library and providing for its government, extend aid to such library on such terms as to control and management as shall be agreed upon between the managers thereof and the school authorities, and for that purpose may levy the taxes provided for in the act to which this is a supplement, in the manner provided therein.

30 March 1897

And levy taxes for such purpose.

18. The managers of any public library receiving aid under this act shall annually report to the school board furnishing such aid an account of the expenditure of the money so received, under the oath of the managers or their secretary and treasurer, and such account shall be subject to the jurisdiction of the auditors by whom the accounts of the school board are audited, in like manner as their accounts.

Id. § 2.

Library managers to make annual report to board.

Annual account to be audited.

19. In any case wherever in any city of the third class a free, non-sectarian public library now exists, or is in the course of erection, or shall hereafter be established, under the form of an agreement between the controllers of the school district of such city and any incorporated library association therein, upon terms as to control and management whereby the said school district and association have equal representation, such agreement is hereby declared to be lawful, and shall be deemed a valid exercise of the respective rights and obligations of such district and incorporated association for the establishment and maintenance of a public library; *Provided, however,* The said agreement, by its terms, shall require the appropriation of no money on the part of the district in excess of the revenue derived by existing law from the authorized levy of one mill on each dollar of valuation for library purposes; *And further provided,* The said agreement by its terms shall require the said association to convert its entire property, or the income derived therefrom, to the uses of the library so established.

22 May 1901.
§ 1. P. L. 238.

Free public libraries in cities of third class.

Appropriations therefor.

20. It shall be lawful for such city to dedicate, for the uses of said library, such real estate as may be suitable therefor; and to bind itself by ordinance guaranteeing that such library will be maintained under such agreement, at an annual expenditure not exceeding the amount derived from the library tax of said school district, at the authorized rate of one mill on each dollar of valuation.

Id. § 2.

Dedication of real estate by city.

21. It shall be lawful for the school controllers of such school district to appropriate, under such agreement, the entire amount realized from the levy of the said library tax now authorized by law, to the maintenance of the library so established, as aforesaid, and to the purchase of books therefor, and to direct the monthly payment of the revenue so derived, by the treasurer of said school district, into the treasury of said library.

Id. § 3.

Maintenance of library.

22. The representatives of the corporate bodies, aforesaid, appointed to conduct the control and management of such

Id. § 4.

Corporate management.

22 May 1901.

Powers of
corporation.

Salaries of
officers.

Id. § 5.

Annual report
of managers.

Audit of ac-
counts.

Id. § 6.

Validation of
prior agree-
ments, etc.

library, shall, under the name and title of "managers of library," be a body politic and corporate, and shall manage and direct the affairs of said library, and make all necessary by-laws and regulations, not inconsistent with the constitution and laws of the commonwealth. They shall have the power to sue and be sued, to have succession, to adopt a common seal; and to receive, hold, dispose of and convey, all real and personal property purchased by, or conveyed to them by gift, devise or otherwise, in trust for the use of said institution, and shall serve without compensation; *Provided*, The secretary and the treasurer is elected from the number of said managers, shall receive such salary or compensation for their actual services as shall be affixed to said offices respectively, by said managers.

23. The said managers shall annually report, in writing, to the board of school controllers of the district and to the directors of said association, respectively, an account of the expenditure of the moneys so received, as aforesaid, under the oath of the said managers or their secretary or treasurer, and such account shall be subject to the jurisdiction of the auditors by whom the accounts of the school controllers are audited, in like manner as their accounts.

24. Any agreement, ordinance, dedication or organization to the end hereof, which shall have been heretofore concluded is hereby declared to be valid and effectual for the purposes of this act.

Public Officers.

I. MISDEMEANORS BY MUNICIPAL OFFICERS.

1. Loaning public money by officers. Pen-
alty.
2. Depositing public money for gain by
officers. Penalties.

II. OATH OF PUBLIC OFFICERS.

8. Constitutional oath of office.

III. NECESSARY ELECTION EXPENSES.

9. Necessary election expenses defined.

be forthwith declared vacant by the court passing the sentence.¹ 31 March 1860.

2. If any such officer shall enter into any contract or agreement with any bank, corporation or individual, or association of individuals, by which said officer is to derive any benefit, gain or advantage from the deposit with such bank, corporation or individual, or association, of any money or valuable security held by him, or which may be in his possession, or under his control by virtue of his said office, he shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, and, if still in office, be adjudged thereafter incapable of exercising the same, and the said office shall be forthwith declared vacant by the court passing sentence. Id. § 68.
Depositing public money for gain by officers.
Penalty.

3. If any state, county, township or municipal officer of this commonwealth,² charged with the collection, safe keeping, transfer or disbursement of public money, shall convert to his own use in any way whatsoever, or shall use by way of investment in any kind of property or merchandise any portion of the public money³ entrusted to him for collection, safe keeping, transfer or disbursement, or shall prove a defaulter, or fail to pay over the same when thereunto legally required by the state,⁴ county or township treasurer, or other proper officer or person authorized to demand and receive the same, every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken, converted, invested, used or unaccounted for, which is hereby declared a misdemeanor; and every such officer, and every person or persons whomsoever aiding or abetting, or being in any way accessory to said act, and being thereof convicted, shall be sentenced to an imprisonment, by separate or solitary confinement at labor, not exceeding five years, and to pay a fine equal to the amount of the money embezzled. Id. § 65.
Embezzlement by public officers.
Penalty.

4. It shall not be lawful for any councilman, burgess, trustee, manager or director of any corporation, municipality or public institution to be at the same time a treasurer, secretary or other officer subordinate to the president and directors, who shall receive a salary therefrom, or be the surety of such Id. § 66.
Illegal sureties and other relations by councilmen, etc.

¹ Whilst this provision does not subject the borrower to a criminal prosecution, a civil action will lie against him. *Pittsburgh v. Moreland*, 30 Pitts. R. 195.

² A school treasurer is indictable under this section. *Commonwealth v. Morrissey*, 86 Pa. 416.

³ This includes the money of a city. *Commonwealth v. Marcer*, 29 Leg. Int. 52. The Act of May 16, 1857, P. L. 535, makes it a criminal offence for city, county or township treasurers to divert to other uses any moneys that may be paid into their hands for a specific purpose.

The Act of May 26, 1897, P. L. 108, provides for the requiring of additional security from certain insolvent and delinquent tax collectors and other public officers and their removal in certain cases, and the filling of vacancies.

⁴ The Act of May 24, 1893, P. L. 125, provides for monthly returns and payments on the first Monday of each month by county and city officers of moneys received by them for the use of the state, under the penalties therein mentioned.

31 March 1880.

officer,¹ nor shall any member of any corporation or public institution, or any officer or agent thereof, be in any wise interested in any contract for the sale or furnishing of any supplies or materials to be furnished to, or for the use of any corporation, municipality or public institution of which he shall be a member or officer,² or for which he shall be an agent, nor directly nor indirectly interested therein, nor receive any reward or gratuity from any person interested in such contract or sale; and any person violating these provisions, or either of them, shall forfeit his membership in such corporation, municipality or institution, and his office or appointment thereunder, and shall be held guilty of a misdemeanor, and, on conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars.

Penalty.

Id. § 67.

Solicitation to corrupt interest in contracts, etc.

5. Any person who shall contract for the sale, or sell any supplies or materials as aforesaid, and shall cause to be interested in any such contract or sale, any member, officer or agent of any corporation, municipality or institution, or give, or offer to give any such person any reward or gratuity to influence him or them in the discharge of their official duties, shall not be capable of recovering anything upon any contract or sale in relation to which he may have so practiced, or attempted to practice, corruptly, but the same shall be void, and such party shall be guilty of a misdemeanor, and, on conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars.³

Penalty.

25 May 1889.
Art. IV., § 11.
P. L. 284.

City property not to be used for private gain.

6. No portion of the property of the city shall be used for purposes of private gain by any officer, councilman, agent or employee of said city, or of any department thereof, nor shall the same be wilfully used or injured, or be sold or disposed of in any manner, without the consent of councils, by any such officer, councilman, agent or employee. Nor shall any officer,

City officer not

either, at the discretion of the court trying the same: and upon such conviction the party offending shall be forthwith removed from his office or employment, and shall not thereafter be eligible to election or appointment to any place of profit or trust under said city, or any department thereof.¹

7. Indictments for misdemeanors committed by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employee or member of any bank, body corporate or public company, municipal or quasi-municipal corporation, may be commenced and prosecuted at any time within four years from the time the alleged offense shall have been committed.²

²³ May 1880.
Art. IV.

¹² June 1878.
§ 6. P. L. 197.
Limitation of
prosecutions
against corpora-
tion officers.

II. Oath of Public Officers.

8. Senators and representatives and all judicial, state and county officers³ shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "*I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money, or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money, or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.*"

Const. 1874,
Art. VII., § 1.
Constitutional
oath of office.

III. Necessary Election Expenses.

9. No person who shall hereafter be a candidate for the nomination, or for election to the senate or house of representatives, or to any office of the judiciary, or to any state, municipal or county office in this commonwealth, shall pay or contribute, either directly or indirectly, any money or other valuable thing, or knowingly allow it to be done by others for him, either for the nomination, election or appointment, except necessary expenses as follows, to wit:

¹⁸ April 1874.
§ 1. P. L. 64.
Necessary election
expenses
defined.

I. For printing and traveling expenses.

II. For dissemination of information to the public.

¹ The section amended as above by Act of May 16, 1901, § 5, P. L. 227.

² The preceding sections of the above act, which is an amendment to the criminal code of 1880, prescribe the punishment for embezzlement by municipal or other corporation officers, keeping or publishing fraudulent accounts, destroying,

altering or falsifying corporation books or records, etc. The charging or demanding of illegal fees by any public officer is punishable by a forfeiture of fifty dollars to the party injured, by the Act of May 26, 1897, P. L. 100.

³ Extended to municipal officers by Act of April 18, 1874, *infra* 9.

18 April 1874.

III. For political meetings, demonstrations and conventions.¹

How such expenses may be incurred.

The foregoing expenses may be incurred either in person or through other individuals or committees of organizations duly constituted for the purpose, but nothing contained in this act shall be so construed as to authorize the payment of money or other valuable thing for the vote or influence of any elector, either directly or indirectly, at primary, township, general or special elections, nominating conventions, or for any corrupt purposes whatever incident to an election; and all judicial, state, county and municipal officers hereafter elected shall, before entering upon the duties of their respective offices, take and subscribe the oath prescribed by section first of article seven of the constitution of this commonwealth.

Constitutional oath extended to municipal officers.

Id. § 2.

Penalty for violation of act.

10. Every person violating either of the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be subject to fine not exceeding one thousand dollars, and to imprisonment not exceeding one year, or both, or either, at the discretion of the court.²

IV. Political Assessments.

15 July 1897.
§ 1. P. L. 275.

Assessment of public officials for political purposes, prohibited.

11. It shall be unlawful for any officer of this commonwealth or of any county thereof, or for any mayor or head of department, or other officer of any city of this commonwealth, to make or cause or knowingly permit to be made, any assessment upon the pay, wages or salary of any officer or employee appointed by or holding office or employment under him, for any political or party purpose whatsoever, or to make or cause or knowingly permit to be made, any demand for the payment or gift of any money or other valuable thing to any committee, organization or person for use in any manner for any

a term of not more than one year, and by fine of not more ^{15 July 1897.} than one thousand dollars, either or both, as the said court shall impose.¹

¹This act supplies that of June 18, 1883, P. L. 96, the proviso as to "volun-

tary contributions" being superadded.

Public Parks.

1. Cities may acquire grounds for public park purposes. Councils may make regulations and appropriate moneys for public parks.

2. Cities may acquire private and poor-house property for public parks. Property outside city limits may be annexed. When nominal damages to be awarded.

3. Proceedings for assessing damages for appropriation of private property for public park purposes. Petition to court of common pleas. Appointment of viewers. Time of meeting. Notice of meeting, how to be given.

4. Viewers to be sworn. To estimate quantity and value of property taken. To

consider advantages and disadvantages. Report of viewers. Confirmation and judgment thereon. Collection of amount awarded.

5. Appeal from report. Affidavit. Issue to be formed and tried by jury. Appeal to higher court.

6. Court of common pleas to make orders as to notices, etc. Costs to be paid by city. Compensation of viewers.

7. Court to appoint board of directors of city trusts on petition of councils in certain cases. Powers and duties.

8. Term of service. Removal. Vacancies.

9. Duties of board.

10. To serve without compensation.

11. Application of act.

1. The several cities of this commonwealth shall be, and ^{24 June 1891.} are hereby authorized and empowered to purchase, take and ^{§ 1. P. L. 394.} hold ground to be used for the purpose of public parks within the corporate limits of such cities,¹ and the councils of such cities shall have the power to ordain and enact ordinances, rules and regulations necessary for the purchase, improvement, preservation, regulation, management and control of the same, and to enforce the said ordinances, rules and regulations by proper penalties; and the said councils shall have and are hereby given power to make appropriations as required for the payment of any property which may be purchased under authority of this act.

2. It shall be lawful for, and the right is hereby conferred ^{26 June 1896.} upon, the cities of this commonwealth to purchase, acquire, ^{§ 1. P. L. 349.} enter upon, take, use, and appropriate private property for the purpose of making, enlarging, extending, and maintaining public parks, within or without the corporate limits of such cities, and to enter upon, take, use and appropriate any poorhouse properties held for the accommodation of the poor of any districts, wards or townships, within the corporate limits of such cities, for the purpose of making, enlarging, extending, and maintaining such public parks, whenever the councils thereof shall by ordinance or joint resolution determine thereon; *Provided*, That where said private property is outside of the city, it may be annexed thereto by ordinance of such city; *And provided*, That where any poorhouse properties shall be so taken, and such cities shall have made adequate provision for thereafter accommodating and supporting the poor of the districts, wards or townships within such

Cities may acquire grounds for public park purposes.

Councils may make regulations and appropriate moneys for public parks.

Cities may acquire private and poor-house property for public parks.

Property outside city limits may be annexed.

¹ Although appropriated for public park purposes, a portion of the land may be devoted to the use of a free public library

situated therein. *Laird v. Pittsburgh*, 205 Pa. 1.

18 April 1874.

III. For political meetings, demonstrations and conventions.¹

How such expenses may be incurred.

The foregoing expenses may be incurred either in person or through other individuals or committees of organizations duly constituted for the purpose, but nothing contained in this act shall be so construed as to authorize the payment of money or other valuable thing for the vote or influence of any elector, either directly or indirectly, at primary, township, general or special elections, nominating conventions, or for any corrupt purposes whatever incident to an election; and all judicial, state, county and municipal officers hereafter elected shall, before entering upon the duties of their respective offices, take and subscribe the oath prescribed by section first of article seven of the constitution of this commonwealth.

Constitutional oath extended to municipal officers.

Id. § 2.

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10. Every person violating either of the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be subject to fine not exceeding one thousand dollars, and to imprisonment not exceeding one year, or both, or either, at the discretion of the court.²

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11. It shall be unlawful for any officer of this commonwealth or of any county thereof, or for any mayor or head of department, or other officer of any city of this commonwealth, to make or cause or knowingly permit to be made, any assessment upon the pay, wages or salary of any officer or employee appointed by or holding office or employment under him, for any political or party purpose whatsoever, or to make or cause or knowingly permit to be made, any demand for the payment or gift of any money or other valuable thing to any committee, organization or person for use in any manner for any

owner or owners of said land or property in consequence of ^{26 June 1895.} the making, enlarging or extending of such public park, and after having made a fair and just comparison of said advantages and disadvantages they shall estimate and determine whether any, and, if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to said court. If any damages be awarded and the report of said viewers be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment, said judgment shall be collected by due legal process as other judgments are collected from said city.

To consider advantages and disadvantages.

Report of viewers.

Confirmation and judgment thereon.

Collection of amount awarded.

5. Upon the report of said viewers, or any two of them, any party who may, within twenty days thereafter, file an appeal from said report to said court in writing, and accompanied with an affidavit that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done, and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall be tried by said court and a jury, and after final judgment either party may appeal to the superior or supreme court under the provisions and in the manner prescribed in other cases.

Appeal from report.

Affidavit.

Issue to be formed and tried by jury.

Appeal to higher court.

6. The said court of common pleas shall have power to order what notices shall be given in connection with any of the proceedings, and may make all such orders as it may deem requisite. The costs incurred in the proceedings aforesaid shall be defrayed by said city, and each of the viewers shall be entitled to receive a sum not exceeding five dollars per day, or such compensation as shall be ~~made~~ ^{provided} upon by the proper court, not exceeding five dollars per day, for every day necessarily employed in the performance of their duties.¹

Court of common pleas to make orders as to notices, etc.

Costs to be paid by city.

Compensation of viewers.

7. Whenever any property or estate, whatsoever, has been bequeathed or devised to any municipal corporation of this commonwealth in trust, for the purpose of establishing or maintaining a public park for the use and benefit of the citizens of such municipality, it shall be lawful for, and the judge or judges of the court of common pleas of the county in which such municipal corporation is located, is or are, on petition of the councils of said municipal corporation, hereby directed, to appoint five persons as directors of city trusts, all of whom shall be citizens of such municipality, and none of whom shall hold any office or employment thereunder, who shall exercise and discharge all the duties and powers of said city, however acquired, concerning such property bequeathed, devised or appropriated to such charitable use, to the extent that the same has been, or hereafter may be, by statute or

^{4 June 1891.} § 1. P. L. 429.

Court to appoint board of directors of city trusts on petition of councils, in certain cases.

Powers and duties.

¹ Section 2 of the act in the text amended as above by the Act of July 15, 1897, P. L. 273. The latter appears to be a sub-

stitute for the Act of June 8, 1895, P. L. 188, which applied exclusively to cases thereafter arising.

4 June 1901.

otherwise, vested in or delegated to the said city or the officers thereof.

Id. § 2.
Term of
service.

Removal.

Vacancies.

8. That the persons so appointed shall serve as members of the board of directors of city trusts during good behavior, subject, however, to removal by the said judge or judges of the court of common pleas for dereliction or neglect of duty, or for any other cause deemed by the said court to be important for the conservation of the said trusts thus imposed upon them. All vacancies shall be, from time to time, filled by the said court, on petition of the councils of said city, or any of its citizens.

Id. § 3.
Duties of
board.

9. It shall be the duty of the said directors of trusts to carefully invest and preserve the trust funds, and they shall have power to make such rules and by-laws for the proper regulation of their business not inconsistent with the terms annexed to any bequest or devise in the last will and testament of any decedent, and they shall have power to appoint and employ as many agents and employees as in their judgment shall be necessary for the proper discharge of the said trust or trusts, and in the name and in accordance with the conditions of said trusts to do any and all things requisite for the proper administration and management of the property under their control.

Id. § 4.
To serve with-
out compensa-
tion.

10. The said directors, in the discharge of their duties and within the scope of their powers aforesaid, shall be considered agents or officers of said city, but no compensation or emolument whatever shall be received by them for any services performed relating to the said trusts, nor shall any of them have or acquire any personal interest in any contract whatever made through them or ~~the~~ agents or employees.

Id. § 5.
Application
of act.

11. The provisions of this act shall not apply to or in any manner affect cities of the first or second classes.

thorities, respectively, may be best adapted to secure the safety of lives and property, and promote the interest of said county, city town or township; and for that purpose the said authorities shall have power to do all such acts as may be necessary and proper to effectually carry out such contracts; and any such contracts made by any railroad company or companies as aforesaid with said authorities, or either of them, are hereby fully ratified and confirmed; *Provided*, 9 June 1874. That nothing in this proviso contained shall affect any contract made, or hereafter to be made, with any railroad company, from [for] apportioning the expenses of altering and adjusting the grades of existing railroads and intersecting streets in any city or borough, so as to dispense with grade crossings.¹

2. The railroad companies now or hereafter incorporated under the laws of this commonwealth, whose route extends through or into any city of this commonwealth, may elevate or depress the whole or any part of so much of the line of their railroad as lies within the corporate limits of such city, over or under the surface of the streets of such city; *Provided*, That the consent of said city, through its councils, to such elevation or depression be first had and obtained; *And provided also*, That any conditions imposed by ordinance granting such consent, regulating or restricting the carriage of freight, or as to route, manner of construction, motive power to be used, and charges for the conveyance of passengers, shall be valid and binding upon such railroad company so accepting the same.² 11 May 1887.
§ 1. P. L. 375.

Railroad companies may elevate or depress their lines over or under the streets of cities.

Consent of councils to be first obtained.

Conditions imposed by councils to be binding on companies.

II. Trespass Upon Railroad Trains, etc.

3. Any person found entering, or being in or upon any railroad engine or car, whether the same be passenger, freight, coal or other car, on any railroad in any city or county in this 11 June 1879.
§ 1. P. L. 152.

Trespassing upon railroad cars or trains.

¹ Municipal consent is necessary to the original occupation of a public street by a railroad company, unless the charter of the latter contains express or implied authority for such occupation. But the municipality cannot, without legislative sanction, legalize the operation and maintenance on such street of a railroad not possessing a grant or franchise authorizing it to exercise that right. *Philadelphia v. River Front R. R. Company*, 173 Pa. 334. Municipal consent, it seems, is not required to empower a railroad company to construct its road across streets which are merely plotted and not actually opened. *Penna. Schuylkill Valley R. R. Company v. Philadelphia & Reading R. R. Company*, 160 Id. 277.

² The purpose of this act is to avoid grade crossings; it applies only to steam railroads, and not to elevated street passenger railways, there being no statute of

this state authorizing the incorporation of the latter. *Potts v. Elevated R. R. Company*, 161 Pa. 396. See the Act of June 7, 1901, P. L. 531, "relating to railroad crossings of highways, and for the regulation, alteration and abolition of grade crossings, except in cities of the first and second classes," under the provisions of which grade crossings are prohibited unless by authority of the court of common pleas, invoked under the form of proceedings prescribed in the act. The statute is prospective in its operation. The Act of April 22, 1905, P. L. 295, authorizes the vacation of public highways at grade crossings over railroads, and the opening of undergrade or overgrade crossings in lieu thereof, and the Act of May 4, 1905, P. L. 380, empowers railroads to relocate bridges belonging to bridge companies, to accommodate the location or construction of their roads.

11 June 1879. commonwealth, contrary to the rules of the person or persons or corporation owning or operating the same; and with the intention of being in or upon, riding or traveling upon such engine or car without paying fare, or committing larceny, violence or destruction thereon, or of threatening, intimidating or assaulting travelers or other persons upon such engine or cars, shall, upon conviction, forfeit and pay a penalty of not less than five dollars or more than fifteen dollars, which penalty shall be paid to the treasurer of the school district in which said offense was committed, for the use of said district, or be committed to the county jail of said county for a period not exceeding ten days, either or both, at the discretion of the magistrate; and in default of payment of fine, as aforesaid, and costs, then the said alderman, magistrate or justice of the peace shall commit the person so convicted to the jail of the county wherein the offense was committed, for a further period not exceeding ten days.¹

Penalty.

Committal of offenders.

24 May 1878.
§ 2. P. L. 126.
Summary conviction before magistrate.

In default of 4. Any constable or police officer having knowledge, or being notified of any violation of this act, shall forthwith arrest such offender, and take him before any magistrate, alderman, or justice of the peace; or any such magistrate, alderman or justice of the peace shall issue a warrant or capias for the arrest of any such offender upon information duly made on oath or affirmation; and said magistrate, alderman or justice, upon the person charged being produced before him, shall forthwith proceed to hear and determine the matter in issue, and if he shall convict the person so charged with the violation of the provisions of this act, he shall proceed to pronounce the forfeiture of the penalty which he shall adjudge against the person so convicted, and shall commit the person so convicted to the county jail of the proper county for the period aforesaid, and if the person so convicted refuse or neg-

Pennsylvania, before a justice of the peace; one-half of such penalty shall be paid to the informer or informers, and the remaining half shall be paid into the treasury of the commonwealth; *Provided*, That in the event of the said engineer or agent being unable to pay the said penalty, then and in that case the said railroad company employing the said engineer or agent shall pay the penalty aforesaid.

20 March 1845

One-half of fine to go to informer.

Proviso.

Registration of Marriages, Births and Deaths.

[See BOARD OF HEALTH.]

1. Boards of health to keep books for registry of marriages, births and deaths.
 2. Clergymen, magistrates, physicians etc., to report their names and residences to board. Secretary to make record thereof.
 3. Medical practitioners to keep register of births and report quarterly to board. Parents to report births in certain cases.
 4. Parties solemnizing marriages to fur-

nish certificates thereof quarterly to board. What certificate to contain.
 5. Penalty for violation of act.
 6. Records of board to be evidence.
 7. Fees for certificate and search.
 8. How records of marriages and births to be entered.
 9. Proviso.

1. Whenever boards of health are established by law in the cities of the commonwealth, said boards shall furnish separate books in which shall be registered, in the manner hereinafter directed, the returns made to said boards of the marriages which may be contracted, and the births and deaths that may occur in said cities.

5 May 1876.
 § 1. P. L. 112.

Boards of health to keep books for registry of marriages, births and deaths.

2. It shall be the duty of clergymen of all denominations, of clerks or keepers of records of all churches and religious societies, as also of every magistrate and of other persons by or before whom any marriage may hereafter be solemnized or contracted, and of every practicing physician, and of every practitioner of midwifery in said cities, on or before the first day of July next ensuing (the day in which the law goes into effect), to report his, her or their names and places of residence to the secretary of the board of health, at the office of the board of health, and it shall be the duty of the secretary of the board of health to have the same properly registered in index form, in suitable books to be furnished by the board of health; in the event of any of the persons above specified removing to any other place of residence, it shall be their duty to notify the secretary of the board of health of the fact within thirty days after such removal, except when the persons removing shall cease to act in such official capacity as makes them subject to the provisions of this act.

Id. § 2.

Clergymen, magistrates, physicians, etc., to report their names and residences to board.

Secretary to make record thereof.

3. Every person practicing midwifery in said cities under whose charge or superintendence a birth shall hereafter take place, shall keep a true and exact register of such birth, and shall enter the same on a blank schedule to be furnished by the board of health; this schedule shall contain a list of the births which have occurred under his or her care during the preceding three months, and shall set forth, as far as the same can be ascertained, the full name of each child (if any name shall have been conferred), its sex, color, the full name

Id. § 3.

Medical practitioners to keep register of births and report quarterly to board.

182 REGISTRATION OF MARRIAGES, BIRTHS & DEATHS.

5 May 1876.

Parents to report births in certain cases.

and occupation of its parent, or parents, the day and place of its birth; and the schedule shall be delivered, duly signed by the practitioner in the form of a certificate, on the first days of October, January, April and July, or within ten days thereafter, to the secretary of the board of health, or to any other authorized person. In case the birth of any child shall have occurred without the attendance of a physician or practitioner of midwifery, or should no other person be in attendance upon the mother immediately thereafter, it shall then become the duty of the parent, or parents, of such child to report its birth to the secretary of the board of health, in the same manner and form, and within the period above required.

Id. § 4.

Parties solemnizing marriages to furnish certificates thereof quarterly to board.

What certificate to contain.

4. It shall be the duty of every clergyman, and every magistrate, and of the clerk or keeper of the records of all religious and other societies, and of every other person by or before whom any marriage may hereafter be solemnized or contracted, to make a faithful return of the same at the expiration of every three months to the secretary of the board of health, in the form of a certificate, which shall set forth, as far as the same can be ascertained, the full name of the husband, his occupation, the place of his birth, his residence and age, the date of marriage, the full name of the wife previous to the said marriage and her age, the color of the parties and the place where, and the name of the clergyman or other person by whom the marriage ceremony was performed.

Id. § 5.

Penalty for violation of act.

5. In case any clergyman, magistrate, physician, midwife, clerk or any other person, as aforesaid, shall violate any of the provisions of this act, or refuse or neglect to perform any of the duties required by the same, he, she or they shall forfeit and pay, for every such offense, the sum of not less than five nor more than twenty dollars, for the use of the board of

8. In order to secure uniformity and dispatch in the registration herein provided for, the books shall contain, upon the margin of each page, printed titles, with corresponding blanks for suitable entries for marriages and births in the order, to wit: Marriages—full name of husband, occupation, residence, birth-place, age when married, full name of wife previous to marriage, residence, birthplace, age when married, time of marriage, color of parties, ceremony employed, name of person performing the marriage, residence of the last named person, date of certificate, date of registration: Births—full name of the child, sex, color; full name of the father, his occupation, full name of the mother, day, month and year of the birth, street and number of house where born, name of physician or other person signing certificate, his residence, date of certificate, date of registration.

^{5 May 1876.}
§ 8.
How records of marriages and births to be entered.

9. The said boards of health shall have power to make all rules and regulations for carrying the provisions of this act into effect; *Provided, however,* That the provisions of this act shall not apply to cities of the first and second classes.¹

Id. § 9.

Proviso.

¹ The Act of June 7, 1881, P. L. 51, provided for a system of registration of marriages, births and deaths by boards of health in cities of the third class. Containing an option clause, its unconstitutionality would seem to be evident from the existing construction placed upon such acts. See *Appeal of Scranton School District*, 113 Pa. 176; *Commonwealth v. Denworth*, 145 Id. 172. The Act of June 6, 1893, P. L. 340, with its supplement of June 24, 1895, P. L. 246, provides for the registration of births and deaths in the several counties of the state, cities where a system of registration has already been established being excepted from its provisions. By the Act of April 27, 1905, P. L. 312, creating a state department of health, §§ 10, 11, the commissioner of health is given general supervision of the

state registration of marriages, births and deaths, and the collection of vital statistics. By § 12 he is authorized to revoke or modify any by-law or regulation of a local board concerning a matter which, in his judgment, affects the public health beyond the territory over which such local board has jurisdiction. The Act of May 1, 1905, P. L. 330, provides an elaborate system of registration of births and deaths throughout the commonwealth under the direction of the state board, establishing registration districts (of which each city, borough and township shall constitute one), and regulating interments. What effect this act will have upon the relations and functions of the local boards remains to be determined by judicial construction and experience.

Registry of Real Estate.

1. Registry of real estate in cities of third class.

2. City engineer to prepare books of plans of properties within the city. To have access to public records. Where books to be kept. Plans to show transfers. Municipal claims not to be invalidated by mis-regis-

try. Certified copies of entries to be evidence. Fee for certificate.

3. Owners of real estate to furnish description of properties. Title papers to be duly stamped. Penalty for neglect.

4. Sheriff to present deeds for registry. No deed to be recorded unless registered. Penalty for recording unregistered deed.

1. For the purpose of procuring accurate information in reference to the ownership of all real estate¹ the councils of each of said cities of the third class shall provide by ordinance for a registry thereof in accordance with this act.²

^{23 May 1880.}
Art. XVI.,
§ 1. P. L. 328.

Registry of real estate in cities of third class.

¹ See *Philadelphia v. Dungan*, 124 Pa. 52.

² This article of the Act of 1880 is a substitute for the Act of April 11, 1879, P. L. 22, whose provisions it remodeled and made general. The latter belonged to the class of laws known as "option acts," the operation of which was made contingent upon their acceptance by ordi-

nance of councils. The constitutionality of such legislation is no longer sustainable. See *Scranton S. D. App.*, 113 Pa. 176; *Commonwealth v. Denworth*, 145 Id. 172. The article was amended as above by the Acts of May 16, 1901, § 36, P. L. 252, and March 30, 1903, § 7, P. L. 122.

23 May 1889.
Art. XVI., §2.

City engineer
to prepare
books of plans
of properties
within the
city.

To have access
to public
records.

Where books
to be kept.

Plans to show
transfers.

Municipal
claims not to
be invalidated
by mis-registry.

Certified copies
of entries to
be evidence.

Fee for cer-
tificate.

Id. § 3.

Owners of real estate within the city limits, within one month from the date

2. The city engineer of any of said cities, in which such registry shall be established, as aforesaid, under the direction of councils, shall cause to be made all such necessary books, maps and plans as will show the situation and dimensions of each property therein; which books, maps or plans shall be prepared as to show the city number and the owner of each lot, with provision for the names of future owners and dates of future transfer of title; and for such purpose the said engineer shall have free access, without charge, to any of the public records wherein the necessary information may be obtainable therefor, and may also cause search to be made in any other place for any muniments or evidences of title not reported to him, as hereninafter provided, and requisite for the completion of said books, maps or plans. The said books, maps and plans shall be carefully preserved in the department of surveys of said cities, and shall be so kept, by additions from time to time or otherwise, as to show the ownership of every lot or piece of real estate, or sub-division thereof, within the city limits, with the successive transmissions of title from the date of the commencement of such plans; but nothing herein, or in the said article, shall invalidate any municipal or tax claim, by reason that the same is not assessed or levied against the registered owner. Certified copies, under the hand of the said engineer, of any of the entries in said books, or upon said maps or plans, shall be received in evidence, in the same manner as the books, maps and plans themselves might be admissible for such purpose, and may be also furnished to any person desiring the same, for such fee or compensation, for the use of the city, as may be fixed by ordinance.¹

3. It shall be the duty of all owners of unregistered real

properties within the city limits sold by them at judicial sales, whether in partition or otherwise; and the prothonotaries and recorders of deeds thereof shall not admit for record any deed for any city property bearing date subsequent to the approval of the ordinance for the establishment of such registry, unless the same shall have first been duly stamped as herein directed, as proof of registry, and any prothonotary or recorder who shall record any deed before the provisions of this section shall have first been complied with, shall be liable to a penalty of five dollars for each deed recorded in violation thereof, to be recovered, with costs of suit, in the manner hereinbefore provided.

^{23 May 1889.}
Art. XVI.

No deed to be recorded unless registered.

Penalty for recording unregistered deed.

Rubbish.

1. Throwing rubbish into streets, or disturbing receptacles of garbage, etc., prohibited. Penalty.

1. From and after the passage of this act, it shall be unlawful, and is hereby forbidden, for any person or persons to throw waste paper, sweepings, ashes, household waste, rails or rubbish of any kind into any street, in any city, borough or township in this commonwealth, or to interfere with, scatter or disturb the contents of any receptacle or receptacles containing ashes, garbage, household waste, or rubbish, which shall be placed upon any of said paved streets or sidewalks for the collection of the contents thereof. Any person or persons who shall violate any of the provisions of this act shall, upon conviction thereof before any magistrate, be sentenced to pay the cost of prosecution, and to forfeit and pay a fine not exceeding ten dollars, for each and every such offense, and in default of the payment thereof, shall be committed, and imprisoned in the county jail of the proper county for a period not exceeding ten days.¹

^{20 April 1906.}
§ 1. P. L. 227.

Throwing rubbish into streets, or disturbing receptacles of garbage, etc., prohibited.

Penalty.

¹The subject matter of the above act is covered, in part at least, by the provisions of city ordinances in many of the cities of the third class, but the act does not, according to judicial interpretation, have the effect of superseding or invalidating them. A municipal corporation, it is held, may be authorized to punish, by summary conviction, an offense made

indictable under a state law, where such offense is properly the subject of police regulation. See *Morgan v. Commonwealth*, 13 Pitts. Leg. Jour. 14. That the sidewalks are within the prohibition of the act would appear to be evident, since the latter are most important portions of the street.

School Districts.¹

[Paragraphs 2, 3, 10 and 11 and the last 17 lines of par. 1, are not in force in Erie at this time (1906).]

[See CONTAGIOUS AND INFECTIOUS DISEASES—FIRE ESCAPES—INDEBTEDNESS—MUNICIPAL CLAIMS—PUBLIC LIBRARIES—TAXES.]

I. ELECTION OF CONTROLLERS IN CITIES OF THIRD CLASS.

1. City of third class to constitute one school district. Powers of controllers. Election of controllers. Terms. Vacancies, how filled. Annual organization of board. Officers. Vacancies in offices. Salary of secretary.

2. Election of two controllers for same term. Vacancies for unexpired terms. Tickets to designate term. Elections in cities of fifteen or more wards. How certain districts may be exempted from certain provisions of act. Certificate of non-acceptance to be filed. Provisions of act may be subsequently accepted.

3. Effect of act as to repeal.

4. Controllers not to hold salaried offices under board.

5. Penalty for payment of persons employed contrary to act.

II. OATH OF CONTROLLERS.

6. Controllers to be sworn. Form of oath. Before whom oath to be taken. Copy to be filed.

7. Controllers may administer oath to each other.

8. Secretary to qualify president.

III. BOND OF SECRETARY.

9. Secretary to give bond. Amount. Condition.

IV. SCHOOL TREASURER.

10. City treasurer to be school treasurer. To give bond to board. Oath.

V. SCHOOL TAXES.

11. Assessment and collection of school taxes. Penalties upon unpaid taxes. Appointment of collectors. Funds to be disbursed on warrant.

12. School taxes to be levied on city assessment.

13. Certification of assessment to board.

VI. SINKING FUND.

14. Sinking fund for payment of funded debt. Rate of tax therefor. Application of tax. Proviso.

I. Election of Controllers in Cities of Third Class.

16 June 1891.
§ 1. P. L. 306.

City of third class to constitute one school district.

Powers of controllers.

1. Each of said cities of the third class shall constitute one school district,² to be termed the ——— school district, and all the property therein shall be the common property of said district; and the members of the board of school controllers for the time being shall have power to levy and collect taxes, and the same rights and powers in relation to real and personal property as is now by law conferred upon the school directors of the several districts of this commonwealth, and

they shall govern and manage the public schools in the man-^{16 June 1891.}ner now provided by law for the maintenance of a system of education by common schools; the qualified voters of each ward of each of said cities on the Third Tuesday in February next succeeding the issuing of letters patent to said city, [shall] elect two members of the board of school controllers^{Election of controllers.} of said district, one to serve for the period of two years, and one to serve for the period of four years, and every two years thereafter the qualified voters of each of said wards shall elect one person to serve for the term of four years; and all^{Terms.} vacancies which may happen in the said board as hereby^{Vacancies, how filled.} constituted, shall be filled in the manner as is now provided by law for vacancies in school boards;¹ the said board of controllers shall annually, on the Tuesday succeeding the mu-^{Annual organization of board.}nicipal election, meet and organize by choosing a president and secretary, who shall be members of the board; and in^{Officers.} case of any vacancy in any of said offices by death, resignation or otherwise, such vacancy shall be forthwith filled by^{Vacancies in offices.} said board of control for the remainder of the school year; the secretary to receive such salary as the board may deter-^{Salary of secretary.}mine.

2. In all cases where two members of said board are re-^{Election of two controllers for same term.}quired to be elected to serve for the same term, each of the said qualified voters shall vote for one person as a member of said board of school controllers for said term, and the two persons having the highest number of votes shall be declared to be elected; and when a vacancy or vacancies shall occur^{Vacancies for unexpired terms.} in the office of school controller, by death, resignation, or in any other manner than by the expiration of the term for which any school controller shall be elected, so that more than two school controllers must be elected at the succeeding municipal election in any ward of said city, the qualified voters of such ward, in addition to the one school controller to be voted for by each elector to serve for four years, shall vote for^{Tickets to designate term.} one person to fill each of such unexpired terms by designating upon the ticket to be voted the number of years for which such school controller is elected, and each elector shall vote for but one person to fill such unexpired term; and if there be two vacancies for the same term, then the two candidates having the highest number of votes shall be declared elected; and if there should be but one vacancy for any unexpired term, then the candidate having the highest number of votes for said term shall be declared elected; *Provided*^{Elections in cities of fifteen or more wards.} *further*, That in said cities of fifteen wards or more, each ward shall elect but one controller; those elected from even-

¹ The vacancy is to be filled temporarily by appointment of the board, but the successor is to be chosen at the next succeeding municipal election. *Commonwealth v. Evans*, 102 Pa. 394. The Act of May 4, 1905, P. L. 388, provides,

among other things, for the increase of the number of school directors by the court of common pleas, in cities to which the act applies, upon the petition of the councils.

16 June 1891.

How certain districts may be exempted from certain provisions of act.

Certificate of non-acceptance to be filed.

Provisions of act may be subsequently accepted.

Id. § 2.

Effect of act as to repeal.

11 June 1885.
§ 1. P. L. 108.

Controllers not to hold salaried offices under board.

numbered wards at said first election to serve for two years, and those from odd-numbered wards for four years; thereafter, every two years alternately they shall elect one each to serve for four years; *Provided further*, That none of the provisions of this act shall be applicable to the election of directors or controllers of the public schools, to the organization of the school board, to the election of school treasurer or of any other officer of said board, to the receiving and collection of school taxes in any city of the third class constituting one school district; but the said district shall be governed by laws heretofore enacted, applicable to the same, if the acceptance of this act, required by the fifty-seventh section hereof, shall be accompanied by a certificate from the school district, signed by the proper officers thereof expressing its desire to retain the laws governing it independent of this statute, otherwise this act shall govern the same; *And provided further*, That it shall be lawful for such board, in its discretion, by a vote of its members as aforesaid, from time to time, to accept any of the provisions of this act regulating school matters, and after such acceptance, duly recorded on the minutes of said board, said provisions so accepted shall be the law of such district.

3. This act shall not operate to repeal any act or part of an act heretofore passed, except in so far as the same may affect the representation in boards of school controllers in cities of the third class.¹

4. From and after the passage of this act it shall not be lawful for any director or member of the board of school control in any city of the third class, within this commonwealth, to hold the office of secretary of said board, or to be employed by said board, while a member thereof, in any capacity in which there is any compensation attached.²

take and subscribe to an oath or affirmation that he will support the constitution of the United States, and the constitution of the commonwealth of Pennsylvania, and the laws thereof; that he has used no unlawful means to procure his election to said office, and that he will discharge the duties of said office, for the district in which elected, faithfully and impartially, and to the best of his understanding and ability; which oath or affirmation shall be taken before a justice of the peace, notary public, or some other officer authorized to administer oaths,¹ and a copy of the same shall be entered upon the minutes of the board of school directors of the proper district.

¹⁶ April 1891.
Form of oath.

Before whom
oath to be
taken.
Copy to be
filed.

7. On and after the passage of this act it shall be lawful for school directors in the various school districts in this commonwealth to qualify each other, by oath or affirmation, that they will faithfully discharge the duties of said office, and that they be authorized to certify the same to the proper authorities.

²⁵ June 1895.
§ 1. P. L. 254.
Controllers
may administer
oath to each
other.

8. In the organization of a school board it shall be the duty of the person chosen to act as secretary to qualify the person chosen to act as president, and the president in turn shall qualify all the other members of said board.

Id. § 2.
Secretary to
qualify president.

III. Bond of Secretary.

9. Hereafter, every secretary of the board of school control in cities of the third class within this commonwealth shall be required, before entering upon his duties, to give a bond, with two approved sureties, in the sum of two thousand dollars, conditioned for the faithful performance of the duties of the office, and the proper accounting for all money, books and vouchers that may come into his possession.

²⁵ June 1895.
§ 1. P. L. 173.
Secretary to
give bond.
Amount.
Condition.

IV. School Treasurer.

10. The city treasurer shall ex-officio be school treasurer, and before entering upon the duties of his office shall give bond to the school directors conditioned for the faithful performance of his duties, in such amount as the board shall direct, and with such sureties as shall [be] by them approved, and shall also, before he enters upon his office, take and subscribe an oath or affirmation of like nature as is hereinbefore prescribed for the city treasurer.²

²³ May 1874.
§ 42. P. L. 256.
City treasurer
to be school
treasurer.
To give bond
to board.
Oath.

V. School Taxes.

11. The annual assessments of school taxes shall be completed on or before the first day of June in each and every

²³ May 1874.
§ 43. P. L. 256.

¹ See *infra* 7, 8.

² The separate office of school treasurer in cities of the third class was not abolished by this act; the city treasurer, in addition to his salary as such, is entitled

to such compensation in the capacity of school treasurer as the board of school controllers may determine. *Scranton School District v. Simpson*, 133 Pa. 202.

23 May 1874.

Assessment and
collection of
school taxes.

Penalties upon
unpaid taxes.

Appointment
of collectors.

Funds to be
disbursed on
warrant.

25 May 1897.
§ 1. P. L. 85.

School taxes to
be levied on
city assess-
ment.

Id. § 2.

Certification of
assessment to
board.

year,¹ and upon the duplicate or duplicates having been made as directed by the said board of school controllers, the same shall be placed in the possession of the treasurer, who shall collect and receive said taxes in the manner hereinbefore provided for the collection of city taxes; and the said school taxes unpaid after the first day of August and the first day of October in each and every year, shall have the same additional sum per centum added thereto, as is hereinbefore provided in the case of unpaid city taxes after the first day of October in each and every year; said duplicates shall be placed in the hands of collectors to be appointed as directed in section thirty-eight of this act; the said taxes shall be applied only to the purposes of said school district, and be disbursed only on the warrant of the president and secretary of the board of school controllers, countersigned by the city controller.

12. In cities of the third class, where the school district comprises the same territory as the city, the taxes for school and school building purposes shall be levied on the assessment made for city purposes.

13. The city clerk, or other competent person authorized by city council, shall make for the use of the school board a true copy of the completed assessment, and shall duly certify the same to the said board.²

VI. Sinking Fund.

23 May 1874.
§ 44. P. L. 258.

Sinking fund
for payment of
funded debt.

14. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective school districts in cities of this commonwealth, the school controllers of each thereof shall annually (until payment of the bonds and funded debt be fully provided for)

Scientific Institutions.

1. Cities may establish institutions for scientific and educational instruction. Acquisition of property. Trustees.

1. The city councils of any city, with the approval of the mayor or recorder thereof, may establish in such city institutions authorized to collect and hold certain educational and economic collections, the object of each being the scientific, educational and economic instruction of the public concerning commerce, manufacturing, mining and agriculture; said institutions to have power to purchase or accept by gift any real estate, money or personal property necessary for their use and promotion, and power to use, convey or transfer the same, as if they were bodies corporate, to be governed by boards of trustees, nominated, appointed and confirmed in such manner as the city councils may determine.¹

^{25 April 1908.}
§ 1. P. L. 314.

Cities may establish institutions for scientific and educational instruction.

Acquisition of property.

Trustees.

¹ This act is an example of the evolution of the legislative conception of the purpose of municipal government. What

connection the latter has with mining and agriculture is not clearly apparent.

Sewers.

[See CORPORATE POWERS—DAMAGES—MUNICIPAL CLAIMS—STREETS—TAXES.]

1. Power of city to construct sewers without petition. How cost to be defrayed. Fee for sewer connections. Main and local sewerage. Assessment of abutting properties. Local, lateral and branch sewers. General sewerage system.

2. Equitable assessments for local and lateral sewers. Additional mode of assessing cost of sewers. Councils to appoint viewers. Assessments according to benefits. Report of viewers.

3. Report to be filed with city clerk. Notice of confirmation. Hearing of objections. When new assessments may be made.

4. Collection of assessments. Liens may be filed therefor. Interest thereon.

5. Repairs and house connections. Extent of connections. Notice to owners to make repairs and connections. Lien for cost thereof.

6. Municipalities may purchase sewer systems operated by private corporations.

7. How value thereof to be ascertained.

8. Cities to have right to enter lands to construct sewer system.

9. Right of entry upon contiguous lands.

10. Mode of compensation for damages. Court to appoint viewers. Report of viewers. Notice of view. Execution. Compensation of viewers and witnesses. Appeal to common pleas.

1. The councils of any city of the third class shall have power, without petition therefor, to construct and reconstruct,¹ sewers of all kinds in its public streets, lanes, alleys, highways, and over and across public and private lands or property, and to pay the cost and expense thereof out of the general revenues, or special funds raised for said purpose, or to assess the same upon abutting property as hereinafter mentioned; and where the cost of constructing any sewer is paid

^{23 May 1880.}
Art. XIII.
§ 1. P. L. 512.

Power of city to construct sewers without petition.

How cost to be defrayed.

¹ When a sewer has once been constructed by the city and paid for by assessments on the property fronting on the street along which it is laid, it must be maintained and reconstructed, if necessary, by the city. *Erie v. Russell*, 148 Pa. 384. See also *Williamsport Sewers*, 18 Pa. C. C. R. 670; *Williamsport's App.*, 43 W. N. C. 141. The rule is the same where the original cost has been paid for by the city itself. *West Third Street Sewer*, 187 Pa. 565. A property owner who has paid a tax for the construction

of a sewer in front of his property cannot be assessed for the cost of another sewer parallel thereto in the same street. *Philadelphia v. Verner*, 8 Pa. C. C. R. 97. But the voluntary construction of a sewer, by permission of a board of surveys, at the expense of a property owner, is no defence against a claim by the city against such owner for the proportionate share of the expense of a sewer subsequently laid for the benefit of all the properties on the street. *City v. Cadwalader*, 20 W. N. C. 14.

23 May 1889.
Art. XIII.

Fee for sewer
connections.

Main and local
sewerage.

Assessment of
abutting prop-
erties.

Local, lateral
and branch
sewers.

General sewer-
age system.

Id. § 2.

Equitable as-
sessments for
local and lat-
eral sewers.

for wholly from city funds, the respective city shall have authority to charge a reasonable fee for tapping or connecting with said sewer. In the construction of main sewers, or of any sewer which can be used in part for main sewerage purposes, in all cases where said sewer will also serve as a local sewer the said city is authorized to and may provide for

assessing the abutting property with the local sewerage part thereof, according to the foot front, or the assessed valuation of the said property for city purposes, or according to benefits.¹ The cost of all main sewers or of any sewers used in part for main sewerage purposes, over and above the amount assessed for local sewerage, as above provided, shall be paid for from the city funds, as aforesaid. Councils may

also provide that the cost and expense of local, lateral, branch and other sewers may be assessed against the abutting property, according to the foot front, or according to the assessed valuation thereof for city purposes, or according to benefits.²

And it shall be lawful for any such city to construct or cause to be constructed a sewerage system, or sewers in streets, lanes, alleys and highways, with extensions thereof, and with lateral and branch sewers therefrom, in other streets, lanes, alleys and highways, and in public or private lands, at the same time, as part of the same improvement, and under the same contract, and the cost and expense thereof may be assessed as is herein provided.³

2. Where councils determine to construct local, lateral and other sewers, and to assess the cost and expenses thereof according to the foot front rule, they may provide for a reduction of one-half, or other equitable part or portion, from the frontage of the longest side of all corner lots, and at other places where, from the peculiar or pointed shape of the lots, an assessment for the full frontage would be inequitable.

abutting thereon, in proportion as nearly as may be to the benefits which may result to each lot or parcel of land.¹ Said viewers or a majority thereof shall report their assessment to the councils, in the manner set forth in the third section of said article thirteen, and said councils shall act thereon as in said article is provided.

^{23 May 1889.}
Art. XIII.

Assessments
according to
benefits.

Report of
viewers.

3. Said viewers, or a majority of them, shall make report in writing specifying the amount assessed by them² upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the councils shall direct. After the report is filed, councils shall cause not less than ten days' public notice to be given in two newspapers of the city, if so many be published therein, of the object of such assessments, and that the same will come before them for confirmation at a time to be specified in said notice. Objections to the assessments shall be in writing and be filed with the city clerk, and may be heard before the city councils in joint convention at the time specified in the notice. Councils may, after hearing objections, modify, set aside or confirm said assessments. If councils set aside the first or any other assessment, they may appoint other viewers of the same qualifications as hereinbefore provided, and cause new assessments to be made, and the proceedings shall be the same as herein directed in case of the first assessment.

Id. § 3.

Report to be
filed with city
clerk.

Notice of con-
firmation.

Hearing of
objections.

When new as-
sessments may
be made.

4. After making assessments for sewerage of any kind, councils may direct that they be certified to the city treasurer, or to such party as said assessments may be assigned to, for collection; and if such assessments be not paid within such time as councils may by ordinance prescribe, it shall be lawful to file liens³ therefor in the prothonotary's office of the proper county, as provided by this act, and said liens shall bear interest from the time the assessments were payable at the rate of six per centum per annum, until paid.

Id. § 4.

Collection of
assessments.

Liens may be
filed therefor.

Interest
thereon.

5. The city councils may provide by ordinance for the laying, renewing and repairing of all gas, water, steam, or other pipes, in any street or highway before the paving, repaving

Id. § 5.

Repairs and
house con-
nections.

¹The fact that a landowner has constructed a private sewer sufficient for his property, with the consent of the city, will not relieve him from an assessment for the cost of a public sewer subsequently constructed along the street upon which his property abuts. *Philadelphia v. Odd Fellows' Hall Ass'n.*, 168 Pa. 105, and see *Philadelphia v. Nook*, 12 Super. Ct. R. 44; *Sewer on Evans Avenue*, 10 Dist. R. 633.

As to the measure of damages where a private sewer is taken for public use, see *Hays v. South Easton Borough*, 10 Super. Ct. R. 390.

²The cost of a sewer improvement is some evidence upon the subject of its value, but it is not conclusive. The viewers should ascertain the value upon the

basis of a *quantum valcant* of the materials and labor, and their report should be based thereon, and not upon the actual cost. *Twenty-eighth Street Sewer*, 158 Pa. 464.

³Under this article of the Act of 1889, the costs of the viewers are not authorized to be added to the expense of constructing the sewer. *Harriburg v. Eby*, 16 Pa. C. C. R. 124. A lien for cost of sewer will not be stricken off because of a failure to state the date at which the assessment was due. *Scranton v. Arnt*, 148 Pa. 210. A sewer assessment is a tax, and cannot, therefore, be collected as an ordinary debt by a common law action unless such remedy is given by statute. *McKeesport v. Fidler*, 147 Pa. 532.

23 May 1889.
Art. XIII.

Extent of con-
nections.

Notice to own-
ers to make re-
pairs and con-
nections.

Lien for cost
thereof.

19 April 1901.
§ 1. P. L. 82.

Municipalities
may purchase
sewer systems
operated by
private corpo-
rations.

or repairing of the same, and for making the necessary house connections with said pipes, and also for the necessary house connections and branches with and leading into main or lateral sewers; *Provided*, That in no case, except as a sanitary measure, of which councils shall judge, shall they require such house connections to be extended further from such sewers, or from such gas, water, steam, or other pipes, than to the inner line of the curbstone of such street or highway. Councils may, after notice to all companies, corporations, persons, and owners affected, and default of compliance therewith, cause said pipes to be laid, renewed or repaired and said connections made, and collect the cost of laying and repairing all pipes and pipe connections from the companies, corporations or persons owning or operating the said gas, water, steam and other pipes, with interest; and the cost of the sewer connections shall be a first lien against the land for whose benefit such connections are made, and a specification of lien shall be filed therefor, and the lien and the proceedings thereon shall be as in the case of other municipal liens.¹

6. From and after the passage of this act, it shall be lawful for any municipality, in which any corporation, created and existing under and by virtue of the laws of this commonwealth, have constructed and are maintaining, or may hereafter construct and maintain, sewers, culverts, conduits and pipes, with the necessary inlets and appliances, for surface, under surface and sewage drainage, to become the owners of such sewers, culverts, conduits and pipes with the necessary inlets and appliances for surface, under surface and sewage drainage, and the property of such company, by paying therefor the actual value of the same at the time of taking by the municipality

8. All cities of the commonwealth are hereby authorized and empowered, by themselves, their agents, artisans, engineers, and workmen, with their tools, appliances, instruments, carts, wagons, and other carriages, and beasts of burden or draft, from time to time and at all time hereafter, for the purpose of establishing and constructing a system of sewers and drains, to enter into such lands and enclosures, and public or private roads or highways, or over or through any private streams, as may be necessary, and to occupy, excavate and lay sewers and drains through the same, to maintain, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof in the manner hereinafter provided.

10 April 1906.
§ 1. P. L. 125.
Cities to have right to enter lands to construct sewer system.

9. That all cities, by their engineers and laborers, with their tools, appliances, instruments, carts, wagons, and other carriages, and beasts of burden or draft, may enter upon the land contiguous to the sewers constructed or in the course of construction, first giving notice to the owner or owners thereof, and from and thence take and carry away stone, earth, sand or other materials necessary to the construction, repair, or proper laying and repair of said sewers, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof in the manner hereinafter provided.

Id. § 2.
Right of entry upon contiguous lands.

10. If the parties cannot agree upon the compensation to be made to the owner or owners of such land, enclosures, streams, public or private roads or highways, or to any person or persons who may be injured by the diversion, absorption, or pollution of any waters that may be used by said cities for the purpose aforesaid, it shall and may be lawful for either party to present a petition to the court of common pleas of the county in which the lands are situate, asking the court to appoint three viewers to view and assess, and report to the court, what damage, if any, has been done by the said city. The report to be filed at the next term of court; and notice of the time of the meeting of said viewers to be served upon all parties interested, at least five days before the day of view; which report, being confirmed by the court, judgment shall be entered thereon; and execution may issue in case of non-payment of the sum awarded; with two dollars per diem, and mileage, for each day the viewers were in attendance, and the same pay for witnesses as now provided for attendance at court; with power in the viewers to issue subpoenas, at the instance of either party, to compel the attendance of witnesses; the costs of the proceeding to be assessed and paid by the losing party; *Provided*, That either party may appeal to the common pleas court, within thirty days after such report shall have been filed in the prothono-

Id. § 3.
Mode of compensation for damages.

Court to appoint viewers.

Report of viewers.

Notice of view.

Execution.

Compensation of viewers and witnesses.

Appeal to common pleas.

10 April 1906. tary's office of said county, in the same manner as appeals are allowed in other cases; upon which appeal such proceedings shall be had as are used in actions for damages at law.¹

¹ By the Act of July 17, 1901, P. L. 608, municipalities are authorized to connect with sewers of adjoining municipalities, and by the Act of April 19, 1901, P. L. 82, they may purchase the sewer systems of private corporations.

Sinking Fund.

1. Sinking fund for redemption of bonded indebtedness. How bonds to be stamped. 2. Board of sinking fund commissioners, of whom constituted. Commissioners to keep record. Report. How sinking fund to be invested.

23 May 1889.
Art. XVIII.,
§ 1. P. L. 330.

Sinking fund for redemption of bonded indebtedness.

How bonds to be stamped.

Id. § 4.

Board of sinking fund commissioners, of whom constituted.

1. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective cities of the third class, the councils of each thereof shall, annually, until payment of the bonds and funded debt be fully provided for by special tax or otherwise, levy and collect, in addition to the other taxes of said corporation, a tax of not less than one-fourth of one mill,¹ and not exceeding three mills, upon the assessed value of the taxable property of each of said cities, which shall be paid into the city treasury, and shall be applied toward the extinguishment of bonds and funded debt,² whose payment is not otherwise provided for, and to no other purpose whatever; and said bonds, when purchased, shall be conspicuously stamped to show that they were purchased for the sinking fund of said city, and the interest on said bonds shall be collected and used in like manner with the taxes collected for said sinking fund.³

2. The mayor, treasurer and controller of each of said cities shall constitute a board of commissioners of the sinking fund of the city. The mayor shall be chairman and the controller secretary, and it shall be the duty of the board to keep

recommendations in relation thereto as they shall deem expedient; *Provided*, That councils shall not direct the investment of any moneys to the credit of the sinking fund, except in the loans of said cities respectively, the loans of the United States, or the loans of the state of Pennsylvania, and the income derived from any of said investments shall be credited and applied to the said several sinking funds respectively.

23 May 1889.
Art. XVIII.
How sinking fund to be invested.

Solicitor.

[See MUNICIPAL CLAIMS.]

1. Election of city solicitor. Qualifications. Term. Vacancies. Bond.
2. Solicitor to supervise law matters of city. To be custodian of certain papers.
3. Duties of city solicitor. When required to give written opinions.
4. Solicitor to keep city lien-docket. En-

tries therein. Duties of heads of departments regarding claims. Satisfaction of liens.
5. Solicitor to make monthly returns of collections to controller. Also of fees received. Salary.

1. The councils of each of said cities of the third class shall, in joint convention, on the second Monday of April, or as soon thereafter as practicable, elect by the vote of a majority of the members chosen to both branches,¹ one person learned in the law, and qualified to practice in the supreme court of this commonwealth, who shall be styled the city solicitor, and shall serve for the term of three² years from the first Monday of May succeeding his election, and until his successor shall be duly qualified. Vacancies in said office shall be filled by councils for the unexpired term. He shall give a lawful bond to the corporation with two or more sufficient sureties, to be approved by councils, in such sum as they shall by ordinance direct,³ conditioned for the faithful performance of his official duties as the same are or may be defined by law or ordinance.

23 May 1889.
Art. X., § 1.
P. L. 304.
Election of city solicitor.
Qualifications.
Term.
Vacancies.
Bond.

2. The law matters of the city shall be under the superintendence, direction and control of the city solicitor, and no department of the city shall employ or retain any additional counsel in any matter or cause, except with the previous assent of councils. He shall keep his office within the city, and there shall be deposited and preserved therein all patents, deeds, leases, mortgages and other assurances of title, and all contracts, bonds, books and other evidences of debt belonging to the city, unless the councils shall otherwise provide or direct.

Id. § 2.
Solicitor to supervise law matters of city.
To be custodian of certain papers.

3. The city solicitor shall prepare all bonds, obligations, contracts, leases, conveyances and assurances to which the city or any department thereof may be a party, as may be

Id. § 3.
Duties of city solicitor.

¹ See *Commonwealth v. Chittenden*, 2 Dist. R. 804, that in the joint convention for the election of the solicitor, as well as for certain other officers provided for by the act, the vote necessary to a choice is that of a majority of the members elected to both branches, without reference to the fact that a minority only of either branch be present.

² The section amended as above by making the term three years instead of two, by Act of May 16, 1901, § 26, P. L. 243.

³ Until the amount is fixed by ordinance, the bond remains at ten thousand dollars, as prescribed by the Act of May 23, 1874, sec. 40, cl. 2, P. L. 253. *Commonwealth v. Chittenden*, 2 Dist. R. 804.

23 May 1890.
Art. X.

When required
to give writ-
ten opinions.

Id. § 4.
Solicitor to
keep city
lien-docket.

Entries
therein.

Duties of
heads of de-
partments re-
specting claims

directed by resolution or ordinance; shall commence and prosecute all and every suit or suits, action or actions, brought by the corporation for or on account of any of the estates, rights, trusts, privileges, claims or demands of the same,¹ as well as defend all actions or suits against the said corporation or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances or acts of the corporation, or any department thereof, may be brought in question before any court in this commonwealth; and shall do all and every professional act incident to the office which he may be lawfully authorized or required to do by the mayor, or by any ordinance or resolution of the said council. He shall, whenever required, furnish the councils, the committees thereof, the mayor, or the heads of departments, with his opinion in writing upon any question of law which may be submitted by either of them in their official capacities.

4. There shall be kept in the office of the city solicitor : a city lien-docket, which shall be open to public inspection, and in which he shall cause to be entered all claims for curbing, paving or repaving sidewalks, assessments of damages and contributions for opening public streets, lanes and alleys, or parts thereof, for grading, paving and macadamizing the same, for water and lighting frontage tax, and water and lighting rates, sewerage, city taxes, and other matters that may be the subject of claim on the part of the city, which have been or shall be returned to the solicitor as remaining due and unpaid after the period prescribed by law or ordinance for the payment of such claims; and it shall be the duty of the head of each department, wherein any such claim shall originate, to furnish to the city solicitor, within the

5. The city solicitor shall, at least once in every month, ^{23 May 1880.} make a return to the city controller, under oath or affirmation, of each item of moneys received by or through him or his assistants, by virtue of his office, or on account of any matters connected therewith, and immediately upon making such return he shall pay over the amount in his hands to the city treasurer. He shall in like manner pay into the city treasury all fees received by him in his official capacity, but this provision shall not be taken to include the judgment fee allowed him in his capacity of attorney under any act of assembly of this commonwealth. He shall receive a fixed annual salary, to be provided by ordinance. ^{Also of fees received.}

Streets.

[See ALLEYS—CORPORATE POWERS—DAMAGES—MUNICIPAL CLAIMS—SEWERS—TAXES—TOPOGRAPHICAL SURVEY—WATER AND LIGHTING DEPARTMENT.]

I. JURISDICTION OF STREET IMPROVEMENTS.

1. Exclusive control of highways by municipal authorities and courts. Security for street improvements.

II. STREET IMPROVEMENTS IN CITIES OF THIRD CLASS, ACT 1880.

2. Ordinance for street paving to be conclusive of fact that majority petitioned. Notice of petition to be published. Term "owner" defined.

3. Assignment of assessments to contractor. Improvement bonds.

4. Assessments may be made payable in installments. Interest on installments. On default, whole amount to be due. Advance payments.

5. How assessments to be collected.

III. GENERAL PROVISIONS FOR STREET IMPROVEMENTS AND COLLECTION OF COST THEREOF.

6. Powers of municipal corporations to take lands and materials for improvements. Viewers to be appointed to assess damages and benefits. Notice of view to be given by publication and handbills.

7. Viewers to be sworn. How damages and benefits to be estimated. Notice to parties interested. Service of notice. Publication. When notice to be posted on premises. Councils may provide for service of notice. Report of viewers. Plan to be filed. Notice of filing of report. Contents of notice.

8. How and by whom damages to be paid. When damages may be assessed on properties benefited. Benefits not to exceed damages.

9. Viewers may be appointed before or after entry. Costs to be paid by corporation. Pay of viewers.

10. Security to be tendered to party claiming damages where no agreement can be made. On non-acceptance of security, same to be filed in court. Recovery thereon. Improvement to proceed.

11. Exceptions to report of viewers. Power of court to modify report. Confirmation of report. Decree. Appeal to superior or supreme court. Report to be conclusive

as to assessments. Appeal to court of common pleas. Trial of issue. How appeal to be taken. Report of viewers to be prima facie evidence of benefits. When no costs recoverable. Notices and orders. Pleadings. Appeal to higher court. Appeal not to prevent filing of liens.

12. Where proceedings discontinued prior to entry and within thirty days after filing of report, corporation not to be liable for damages assessed. To pay costs and actual damage only.

13. Action of court upon exceptions to report of viewers. When report may be confirmed in part.

14. Effect of appeal on confirmation of report. Assignments of error to be filed by appellant. Certificate of court. Subsequent proceedings. Date when decree to take effect, on appeal.

15. Consolidation of appeals.

16. Several parties may join in single appeal.

17. Act to apply to pending appeals. Specifications of error. Court to correct misdirected appeals.

18. Power to lay out streets and establish grades, and to construct bridges, sewers, drains, etc. Petition of majority of owners in number and interest requisite for grading, paving, curbing, macadamizing, etc. Appointment of viewers. Costs to be assessed on properties benefited. Deficiency to be paid by corporation. Proceedings to be as before provided.

19. Power to open, widen, straighten, extend or vacate streets. Petitioners to represent majority of owners in number and interest. Power to make street improvements without petition, by three-fourths vote of councils. How ordinance therefor to be passed. Copies of ordinance to be published.

20. Upon passage of ordinance, notice thereof to be given. Handbills to be posted. Contents of notice. Party interested may appeal to court of common pleas as to majority petitioning. Petition. Power of court to approve or quash proceeding. Estoppel of parties by decree. Interest on assessments. To be payable to treasurer.

21. Power to require laying and repair of sidewalks, boardwalks and curbstone. On default, cost to be assessed upon owner. Lien to be laid and collected.

22. General plan of streets and alleys.

Where to be filed. Streets on plan not to be altered without consent of councils. Plan not to be recorded until approved by councils. No damages to be recoverable for buildings erected on plotted streets.

23. Power to vacate unopened streets.

24. Proceedings.

25. Cost of paving and improving streets and highways.

26. Improvement bonds may be issued. How designated. Term of bonds. Interest.

27. When question of issuance of bonds to be submitted to electors.

28. Bonds not to be negotiated under par. Assessment on property benefited.

29. Assessments to be entered of record. To be first liens until paid. What record of assessment to contain.

30. Assessments to be payable in installments. Proceeds to go to sinking fund.

31. On default, whole amount to be due. How collectible.

32. Payments may be made in advance. Payment where property is subdivided.

33. Power to grade, pave, curb, macadamize and improve streets and alleys. How ordinance therefor to be enacted. Publication of ordinance.

34. Damages and benefits, how ascertained.

IV. DAMAGES AND COSTS.

35. Damages for opening or widening of street to include damages due to grade. Plan to be attached to report of viewers.

36. Court may make orders for payment of costs in road and street proceedings.

V. APPEALS.

37. Appeal to court of common pleas from quarter sessions in road and street damage cases. Trial by jury.

38. Appeal to be accompanied by affidavit.

I. Jurisdiction of Street Improvements.

23 May 1874.
§ 13. P. L. 235.

Exclusive control of highways by municipal authorities and courts.

Security for street improvements.

1. The municipal authorities and courts having jurisdiction in any city of this commonwealth, shall have exclusive control and direction of the opening, widening, narrowing, vacating and changing grades of all streets, alleys and highways within the limits of such city,¹ and may open or widen streets at such points and of such width as may be deemed necessary by such city authorities and courts, any private or special statute to the contrary notwithstanding; proceedings to be had in such cases as are now required by law. Street commenced under any special authority shall be completed, unless otherwise decided by councils; and any of said cities may, with the consent of the courts of quarter sessions of the proper county, enter security for damages to private property by reason of street improvements, in such sum or sums as the said court may direct.²

II. Street Improvements in Cities of Third Class. Act 1889

front thereon, as the case may be, have petitioned therefor;¹ <sup>23 May 1880.
Art. XV.</sup> *Provided*, That no ordinance for the above named purpose so petitioned for, shall be passed until five days' notice of the improvement prayed for, with the names of the petitioners therefor, has been given in one newspaper published in the city.² The term owner or owners is hereby declared to mean ^{Term "owner" defined.} any person or persons, or bodies corporate, who may own or claim the property to be affected by such improvement or assessment, in whom is vested any estate in fee simple, fee tail, for life, a perpetual leasehold, or for a term of years, by lease or otherwise, not less than twenty years, a majority of the owners of an undivided property to constitute one person for the purposes of the petition.

3. In all contracts for improvements, the cost of which is to be paid by assessments upon the property abutting or benefited, the city may enter into an agreement with the contractor that he shall take an assignment of such assessment in payment of the amount due him under the terms of his contract, and in such case the city shall not be otherwise liable under such contract, whether said assessments are collectible or not,³ or said city may issue improvement bonds based solely upon the assessments for any of said local improvements.⁴ <sup>Id. § 27.
Assignment of assessments to contractor.
Improvement bonds.</sup>

4. Whenever any ordinance is passed providing for the grading, paving or macadamizing of any street, lane or alley, or part thereof, or for the construction of any sewer, the expense whereof is to be defrayed by local assessments as herein provided, it may be prescribed in such ordinance that the assessments may be paid in not more than ten equal installments, payable at such times as may be fixed by ordinance, the last thereof not to be more than ten years after the commencement of the work on the improvement for which it is assessed. The installments shall bear interest at the rate of not more than six per centum per annum, commencing at such time as may be fixed by ordinance. If any of said installments shall remain unpaid for two months after the same shall become due and payable, the whole of the assessment remaining unpaid shall be due and payable. Any person upon whom such assessment has been made may pay all, or as <sup>Id. § 28.
Assessments may be made payable in installments.
Interest on installments.
On default, whole amount to be due.
Advance payments.</sup>

¹ See *Scranton v. Jermyn*, 156 Pa. 107. The cost of repaving public streets for the benefit of the general public cannot be assessed upon and collected from the property abutting upon such streets. *Boyer v. Reading*, 151 Id. 185. Whether a petitioner may withdraw his name before councils have acted upon the petition, not decided. Id. A landowner who petitions for the paving of a street upon which his land abuts is subsequently estopped from denying the power of councils to do the paving. *Harrisburg v. Baptist*, 156 Pa. 526.

² The notice prescribed by Art. XIX., sec. 20 of the Act of 1887 (P. L. 256).

in the same terms as the above, held required to be published five days before the passage of the ordinance, but not necessarily five days before its introduction. *Merrifield v. Scranton* (C. P. Lackawanna), 5 Pa. C. C. R. 388.

³ See *Gable v. Altoona*, 200 Pa. 15. As to defences against the enforcement of such assigned claims in the hands of the contractor, see *Eric v. Butler*, 120 Pa. 374; also *Breitnall v. Philadelphia*, 103 Id. 156; *Pepper v. Philadelphia*, 114 Id. 96.

⁴ As to liability of city on improvement bonds irregularly issued, see *Gable v. Altoona*, 200 Pa. 15.

7. The said viewers, having been duly sworn or affirmed ^{16 May 1891.} faithfully, justly and impartially to decide, and true report ^{§ 2.} to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises or examined the property, shall hear all parties interested and their witnesses, and shall estimate and determine the damages for property taken, injured or destroyed, to whom the same is payable; and, having so estimated and determined the damages, together with the benefits as hereinafter mentioned, they shall prepare a schedule thereof, and give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time, not less than ten days thereafter, and of a place where said viewers will meet and exhibit said schedule and hear all exceptions thereto and evidence. Notice of the time and place of said meeting shall be given, in the manner provided by law for the service of a summons in a personal action, upon all parties allowed damages or assessed benefits, as shown by said schedule, if the said parties can be found in the municipality, or upon an adult person residing upon the property affected by the assessment in case the owner or reputed owner cannot be found, and to all others by publication in the newspaper or newspapers in which the first notices of said view were published. When no service is made upon the owner, reputed owner, or upon an adult person residing upon the property affected, said notice, where publication thereof has also been made, shall be deemed to have been properly served if tacked or conspicuously posted on the premises. Councils, by ordinance, may provide by whom the notice provided by this act shall be posted, given and served, and fix the compensation for said service. After making whatever changes are deemed necessary, the said viewers shall make report to the court, showing the damages and benefits allowed and assessed in each case, and file therewith a plan, showing the improvement, the properties taken, injured or destroyed, and the properties benefited thereby. When said report is filed, notice thereof shall be given by publication once in the newspaper or newspapers publishing the notice provided for in section one of this act. Said notice shall state the date of filing of the report, and shall contain a schedule of the damages and benefits as shown therein; and shall further state that unless exceptions thereto be filed within thirty days from the date of filing, the said report will be confirmed absolutely.¹

Viewers to be sworn.

How damages and benefits to be estimated.

Notice to parties interested.

Service of notice.

Publication.

When notice to be posted on premises.

Councils may provide for service of notice.

Report of viewers.

Plan to be filed.

Notice of filing of report.

Contents of notice.

¹ The section amended as above by Act of April 2, 1906, § 1, P. L. 124. By the Act of May 23, 1891, P. L. 109, petitions for the assessment of street damages, where the same have not been assessed by the viewers, may be filed in the quarter

sessions within six years from the confirmation of the report, or of the entry of the decree for opening, or from the date of notice of the intended opening; all claims thereafter being barred.

16 May 1891.
§ 8.

How and by
whom damages
to be paid.

When damages
may be as-
sessed on prop-
erties bene-
fited.

Benefits not
to exceed
damages.

Id. § 4.

Viewers may
be appointed
before or after
entry.

Costs to be
paid by cor-
poration.

Pay of viewers.

Id. § 5.

Security to be
tendered to
party claiming
damages where
no agreement
can be made.

8. The payment of damages sustained by the making of the improvements aforesaid, or by the vacation of any public highway, may be made, either in whole or in part by the corporation, or in whole or in part by assessments upon the property benefited by such improvements, as said viewers may determine and the court approve, and in the latter case the viewers appointed to assess damages, having first estimated and determined the same apart from benefits, shall also assess the said damages, or so much thereof as they may deem just and reasonable, upon the properties peculiarly benefited by the improvement, including in the said assessment all properties for which damages have been allowed, if, in their judgment, such properties will be benefited thereby, and shall report the same to the said court.¹ The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

9. The viewers provided for in the foregoing sections may be appointed before or at any time after the entry, taking, appropriation or injury of any property or materials for constructing said improvements. The costs of the viewers, and all court costs incurred in the proceedings aforesaid, shall be defrayed by the said municipal corporation, and each of the said viewers shall be entitled to a sum not exceeding five dollars per day for every day necessarily employed in performance of the duties herein prescribed.

10. In all cases where the parties have not agreed upon the amount of damages claimed, or where, by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made, for the lands, property or materials to be taken, occupied or injured, the municipal corporation may tender sufficient security to the party claiming or en-

municipal corporation may present said security to the court of ^{16 May 1891.} common pleas of the county where the lands or other property are situated, and, if approved, the security shall be filed in said court for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed, if the same be not paid, or cannot be made by execution on the judgment in the issue formed to try the question, and upon the approval of said security said municipal corporation may proceed with the improvement. ^{Recovery thereon.} ^{Improvement to proceed.}

11. Upon the report of said viewers, or any two of them, ^{Id. § 6.} being filed in said court, any party interested may, within thirty days thereafter, file exceptions to the same; and the court shall have power to confirm said report, or to modify, ^{Exceptions to report of viewers.} change or otherwise correct the same, or change the assessments made therein, or refer the same back to the same or new viewers, with like power as to their report.¹ When said report is first filed in court, the prothonotary thereof shall mark the same confirmed nisi, and in case no exceptions are filed thereto within said thirty days, he shall enter a decree ^{Power of court to modify report.} (as of course) that said report is confirmed absolutely. Within thirty days after the confirmation, modification, changing or correcting of any report, any interested party may appeal from the said decree to the superior court or to the supreme court, as the case may be.² The said report, when and as finally confirmed, shall be conclusive as to any assessments made therein to pay the costs and expenses of any sewer, street or other improvement. And within thirty days after said report is filed in court, as aforesaid, any party whose property is taken, injured or destroyed, or who is assessed benefits to pay damages for property taken, injured or destroyed, may appeal to the court of common pleas, ^{Confirmation of report.} ^{Decree.} and demand a trial by jury, according to the course of the common law.³ Every appellant shall state in the appeal the grounds upon or for which the appeal is taken, and the same shall be signed by the party or parties taking the appeal, or by his or their agent or attorney; and shall be accompanied by an affidavit of the party appellant, or of his or their agent or attorney, that the appeal is not taken for the purpose of delay, but because the appellant firmly believes that injustice has been done. Upon the trial of any such appeal in court, the report of the viewers, as finally ^{Appeal to superior or supreme court.} ^{Report to be conclusive as to assessments.} proved, confirmed, modified or changed by the court, shall be prima facie evidence of the benefits as therein mentioned; and in case the party appellant does not obtain a verdict more favorable than was the report of viewers, as finally con- ^{Appeal to court of common pleas.} ^{Trial of issue.} ^{How appeal to be taken.} ^{Report of viewers to be prima facie evidence of benefits.}

¹ The right of appeal from an assessment for the cost of making a sewer does not lie under this act. The remedy is by filing exceptions to the report of viewers, as above provided. *Fifth Sewer District, Gibb's App.*, 5 Dist. R. 303; the party

aggrieved has no standing in equity. *Thrall v. Williamsport*, 18 Pa. C. C. R. 330.

² See *Scranton Sewer*, 213 Pa. 4.

³ See *Mount Pleasant Ave.*, 171 Pa. 88; *Berchwood Ave. Sewer*, 172 Id. 494.

18 April 1905. same as one case. And where several appeals are taken from the confirmation of the same report, either to the superior or the supreme court, the appellate court may consolidate the appeals, where the grounds of appeal are similar and the same questions involved.

Id. § 4.
 Several parties may join in single appeal. 16. It shall be lawful for the several parties or persons to unite and join in a single appeal from the confirmation of the report of viewers, or any parts thereof, either to the superior or supreme court, where the grounds of appeal are similar and the same questions are involved; but the uniting of the appellants shall not unite the amounts, or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the superior court, then the joint appeal shall be to the said court; but if the appeal of any one joint appellant, if taken singly, would be to the supreme court, then the joint appeal shall be to the said court. If any appeal has been taken to the supreme court, any other party, without regard to the amount involved, may appeal to the same court, and join in the said appeal, in case the grounds of appeal are similar and the same questions are involved.

Id. § 5.
 Act to apply to pending appeals. Specifications of error. 17. This act shall apply to appeals already taken, where the same have not been argued or disposed of. The proper municipality or any party interested may, by notice or rule upon the appellant, in any case, cause a statement or copy of the specifications of error or grounds of appeal to be filed in the court below; upon which the said court, or judge thereof in vacation, shall certify whether the appeal taken does or does not affect the entire report, in the manner and with the effect as set forth in section two of this act. Should any appeal, under this act or the act to which this is a supplement, be made to the wrong appellant court, it shall be the duty of the said court to certify the appeal to the court to

Court to correct misdirected appeals.

posed of by the court; but when exceptions are filed that ^{18 April 1905.} only go to or affect some particular assessment of benefits or damages, and which in the consideration and final disposal thereof will not affect the assessments made against or in favor of other parties, in such case it shall be lawful for the court, at any time after the report has been filed thirty days, by decree, order or rule to confirm all such assessments as to which no exceptions have been filed. ^{When report may be confirmed in part.}

14. Where any appeal is taken to the action of any court confirming any viewers' reports or any part thereof, to which exceptions have been filed and overruled, such appeal, if taken for any manner or thing which will or may affect the entire report, shall have the effect of suspending the absolute confirmation of the entire report until the appeal is finally disposed of by the appellate court; but where the appeal is to matters and things which do not go to or affect the entire report or affect other assessments, any such appeal shall only affect the particular assessment or cause as to and for which the appeal is taken. In order to determine whether any appeal affects the entire report or any particular assessment, it shall be the duty of the appellant to file in the court below, before or at the time he files his writ of certiorari, a copy of his specifications or assignments of error, or grounds of appeal, and, upon the request of the proper municipality or any interested party, the court below, or a judge thereof in vacation, shall certify whether the said appeal, so taken, does not affect the entire report, and the said certificate shall be conclusive on said question. Where the court or judge certifies that the appeal taken will affect the entire report, no further proceedings shall be taken in the court below until after the final action of the appellate court; but where the said court or judge certifies that the appeal taken will only affect the particular assessment of benefits or damages, as the case may be, then the confirmation of all other assessments, as to which no appeal has been taken, shall be deemed and taken to be final and absolute. If on any appeal the action of the court below, confirming any report or any assessment, is affirmed, the date of the decree or judgment of the appellate court shall be deemed and taken as the day on which said report or assessment was finally confirmed. ^{Id. § 2.} ^{Effect of appeal on confirmation of report.} ^{Assignments of error to be filed by appellant.} ^{Certificate of court.} ^{Subsequent proceedings.} ^{Date when decree to take effect, on appeal.}

15. Where any appeal is taken to the supreme court from the action of any court confirming the report of viewers, or any part thereof, and an appeal is also taken to the superior court from the same report or any part thereof, and the appeals in both cases are substantially the same, and in which the same questions are involved, it shall be lawful for the superior court to certify the said appeal to the supreme court, to be heard with the other appeals from the same report, involving the same questions. And it shall be lawful for the supreme court to consolidate the said appeals, and to hear the ^{Id. § 3.} ^{Consolidation of appeals.}

16 May 1891. municipality is situate, once a week for three consecutive weeks.¹

Id. § 10. 20. The majority in interest and number required for petitions to councils shall be fixed as of the date of the presentation of said petition. After the passage or approval of any ordinance for the opening, widening, straightening, extending, grading, paving, macadamizing or otherwise improving any street or alley, notice shall, within ten days thereafter, be given by hand bills posted in conspicuous places along the line of the proposed improvement, which notice shall state the fact of the passage or approval of the ordinance, the date of the passage or approval, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested and denying the fact that said petition was so signed may appeal to any court of common pleas of the proper county within sixty days from the passage or approval of said ordinance, and any person interested may, within sixty days from the passage or approval of said ordinance, present a petition to any court of common pleas of the proper county setting forth the facts, whereupon the said court shall inquire and determine whether said improvement was petitioned for by the requisite majority, and if said court shall find that it was not so petitioned for, shall quash said ordinance, but if said court shall find that it was so petitioned for, it shall approve the ordinance.² If no appeal shall be taken as aforesaid, or if the court on appeal shall approve the ordinance, the municipal corporation may proceed with the improvement, and thereafter all parties interested shall be estopped from denying the fact that said petition was signed by the requisite majority of property owners as required by

Upon passage of ordinance, notice thereof to be given.

Handbills to be posted.

Contents of notice.

Party interested may appeal to court of common pleas as to majority petitioning.

Petition.

Power of court to approve or quash proceeding.

Estoppel of parties by decree.

ing, curbing, macadamizing or other improvement of each street or alley [or part thereof within its corporate limits], upon the property benefited, according to benefits,¹ if sufficient can be found, but if not, then the deficiency, when finally ascertained, shall be paid by the municipal corporation, and the proceedings of said viewers, and the proceedings on their report, shall be as provided in this act for viewers and reports of viewers in cases of property taken, injured or destroyed.²

16 May 1891.

Costs to be assessed on properties benefited.

Deficiency to be paid by corporation.

Proceedings to be as before provided.

19. Every municipal corporation shall have power to open, widen, straighten or extend streets or alleys, or parts thereof, within its limits,³ and to vacate streets or alleys, or parts thereof, upon the petition of a majority in number and interest of owners of property abutting on the line of the proposed improvement,⁴ to be verified by the affidavit of one or more parties, as in the preceding section; a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person for the purposes of petition. Every municipal corporation shall have power, whenever the councils or authorities thereof shall deem it necessary, to open, widen, straighten or extend streets or alleys, or parts thereof, and to vacate streets or alleys, or parts thereof, without any petition of property owners; *Provided*, The ordinance or ordinances authorizing the same shall be adopted and enacted by the affirmative vote of three-fourths of the members-elect composing the councils of such municipality, and approved by the mayor, city recorder or burgess thereof. No such ordinance shall be finally adopted and enacted in a less period than thirty days from the date of its introduction, and in the meantime copies of said ordinance shall be published in each of the official newspapers of such municipality once a week for three consecutive weeks immediately following the introduction thereof, and in case such municipality shall have no official newspapers, then in at least one newspaper published in the county in which the

Id. § 9.

Power to open, widen, straighten, extend or vacate streets.

Petitioners to represent majority of owners in number and interest.

Power to make street improvements without petition, by three-fourths vote of councils.

How ordinance therefor to be passed.

Copies of ordinance to be published.

¹ Upon the question whether this provision repeals those of the Act of May 1880, Art. XIII., sec. 1, P. L. 312, relative to assessing cost of sewer on all property in the sewer district, see *McCoy v. Foster*, 5 Dist. R. 523; also *McCoy v. Corry Chair Co.*, 18 Super. Ct. 271.

² The portions of the above section in brackets added thereto by the amending Act of April 28, 1899, P. L. 100.

³ See the Act of March 18, 1901, P. L. 137, authorizing the laying out and opening of township authorities of public streets which are extensions of streets in cities or boroughs, of equal width with city or borough streets; also the Act of April 3, 1903, P. L. 137, authorizing the altering or widening of any public street connecting cities or boroughs, and fixing the mode of assessing the

damages incident thereto. By the Act of April 20, 1905, P. L. 237, counties, cities or boroughs are authorized to provide for the repair, maintenance and improvement of portions of turnpikes within their limits which have been appropriated to public use. By the Act of May 24, 1887, P. L. 203, the county commissioners of counties erecting public buildings in any city of the state are empowered, with the approval of the court of common pleas, to join with the city authorities in the grading, paving, etc., of such parts of the streets as abut thereon, and to contract with the city authorities for the payment of a just proportion of the cost thereof.

⁴ This means the majority of owners on the portion of the street to be actually improved, and not the majority of the owners on the whole of the street. *Spicer v. Pittsburgh*, 166 Pa. 86; *Union Allevy*, 9 Dist. R. 209.

repaired, shall be situate, and file a lien therefor, or collect the same by action of assumpsit.¹

22. Every municipality shall have a general plan of its streets and alleys, including those which have been, or may be, laid out but not opened; which plan shall be filed in the office of the engineer or other proper office of the municipality, and all sub-divisions of property thereafter made shall conform thereto. No streets or alleys, or parts thereof, laid out and confirmed, shall afterwards be altered without the consent of councils; and no map or plot of streets or alleys shall be entered or recorded in any public office of the county in which said municipality is situated until approved by councils. No person shall hereafter be entitled to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the lines of any located street or alley after the same shall have been located or ordained by councils.

16 May 1891.

Lien to be laid and collected.

Id. § 12.

General plan of streets and alleys.

Where to be filed.

Streets on plan not to be altered without consent of councils.

Plan not to be recorded until approved by councils.

No damages to be recoverable for buildings erected on plotted streets.

23. The municipalities of the commonwealth shall have the power and authority to vacate, in whole or in part, all streets, lanes and alleys within their corporate limits, laid out by this commonwealth, whenever the same, or the portion to be vacated, shall have remained unopened for a continuous period of thirty years next preceding such vacation.

21 March 1905.

§ 1. P. L. 458.

Power to vacate unopened streets.

24. In exercising the power aforesaid, all proceedings for the ascertaining of damages, and the assessment of benefits incident thereto, shall be as now provided for by law in reference to payment of costs, damages and expenses of public improvements within municipal corporations.

Id. § 2.

Proceedings.

25. In addition to the present method provided by law for the payment and collection of the costs and expense of the permanent paving and improvement of any streets, alleys and other highways, or parts thereof, by the cities of this commonwealth, said cities shall have power to ordain that said costs and expense may be paid and collected in accordance with the provisions of this act.

12 June 1893.

§ 1. P. L. 458.

Cost of paving and improving streets and highways.

26. In order to provide for the payment of the cost and expense of such improvements, the councils of the cities of this commonwealth may, from time to time, issue their bonds in such sums as may be required, in all to an amount not exceeding the cost and expense of such improvement and interest thereon. Said bonds shall bear the name of the street or alley to be improved. They shall be payable at a period not less than five years from the date of their issue, to be provided in the ordinance directing the improvement, and bear interest at a rate not exceeding six per centum per annum, payable semi-annually, on the first day of July and January.

Id. § 2.

Improvement bonds may be issued.

How designated.

Term of bonds.

Interest.

¹See *Pittsburgh v. Daly*, 5 Super. Ct. District, 17 Super. Ct. R. 88; *Pittsburgh v. Biggert*, 23 Id. 540.

12 June 1893.
§ 8.

When question
of issuance of
bonds to be
submitted to
electors.

27. In all cases where it may be necessary to obtain the assent of the electors to an issue of bonds, the question of the increasing the city debt shall be so submitted to the electors that they shall have the opportunity of voting for or against the issue of bonds for the improvement of any particular street or alley, separately and apart from the question of increasing the city debt for the improvement of any other street or alley.

Id. § 4.

Bonds not to
be negotiated
under par.

28. Said bonds shall be negotiated at not less than par, as other bonds of said cities are negotiated, and the proceeds thereof applied solely to the payment of the cost of said improvement. The contract price of the same and interest thereon to the first day when interest thereon is payable, shall be taken as the cost of said improvement, to be assessed on the property benefited, according to existing laws in each of said cities.

Assessment on
property
benefited.

Id. § 5.

Assessments
to be entered
of record.

To be first
liens until
paid.

What record
of assessment
to contain.

29. Such assessments shall be entered in the proper municipal lien and judgment docket in the prothonotary's office, and shall, if filed within six months from the completion of the improvements, without the issuing of a scire facias to revive, remain a first lien upon the property assessed until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale unless the payment of the same is provided for from the proceeds of such sale. The assessment shall state the name of the city claimant, the name of the owner or reputed owner, a reasonable description of the property, the amount claimed to be due for what improvement the claim is made, and the time when the assessment was finally confirmed or made.

Id. § 6.

Assessments to
be payable in

30. Such assessment shall be payable at the city treasurer's office in equal semi-annual installments, with interest at the rate provided in said bonds from the date to which interest

any owner shall sub-divide any property after such lien attaches, he in like manner may discharge the same upon any sub-divided portion thereof by paying the amount for which said part would be liable. 12 June 1893. Payment where property is subdivided.

33. All cities in this commonwealth shall have power, without petition of property owners, to grade, pave, curb, macadamize and otherwise improve any public street or public alley, or part thereof, within their corporate limits; *Provided*, The ordinance or ordinances authorizing and directing such improvement shall be adopted and enacted by the affirmative vote of three-fourths of the members-elect composing the councils of the said cities, and shall be approved by the mayor or city recorder thereof. No such ordinance shall be finally adopted and enacted in a less period than thirty days from the date of its introduction, and in the meantime copies of said ordinance shall be published in each of the official newspapers of such cities once a week for three consecutive weeks immediately following the introduction thereof, and in the event such cities shall have no official newspapers, then in at least two weekly newspapers published in the county in which the cities are situate, once a week for three consecutive weeks.¹ 22 May 1895. § 1. P. L. 105. Power to grade, pave, curb, macadamize and improve streets and alleys. How ordinance therefor to be enacted. Publication of ordinance.

34. In exercising the power aforesaid all proceedings for the ascertaining of damages and the assessment of benefits incident thereto shall be as now provided by law in reference to payment of costs, damages and expenses of public improvements within municipal corporations.² Id. § 2. Damages and benefits, how ascertained.

IV. Damages and Costs.

35. In all cases of assessment of damages for the opening or widening of any street or highway in any city in this commonwealth, the award of damages, if any, shall include all damages due to the grade at which said street or highway is 26 May 1891. § 1. P. L. 117. Damages for opening or widening of street to include damages due to grade.

¹ The section amended as above by Act of April 25, 1903, P. L. 301. See *New Castle v. Reario*, 18 Super. Ct. R. 350.

² This section held to be constitutional in *Greenfield Ave.*, 191 Pa. 290 (reversing R. C. 8 Dist. R. 80). The purpose of the act was to enlarge the occasions on which the power of municipalities to assess benefits might be exercised. *Id.* Various acts of assembly have been passed authorizing assessments and reassessments for cost of local improvements and providing for the collection thereof, which were of a remedial character, merely, and designed to validate proceedings begun under the Municipal Act of May 24, 1887, P. L. 204, or under other laws subsequently declared unconstitutional. Among them is the Act of May 23, 1889, P. L. 272, applicable to cities of the third class. These acts have been held constitutional on the ground that as it was within the

power of the legislature to provide for the making of the improvements of which the property owners had received the benefit, it might subsequently validate what it might have originally authorized. See *Chester City v. Black*, 132 Pa. 568; *Chester City v. Pennell*, 169 Id. 300; *Harrisburg v. Adams*, 18 Pa. C. C. R. 118; *Chester City v. Bullock*, 187 Pa. 544. As to the similar Acts of May 16, 1891, P. L. 65, and May 16, 1891, P. L. 71, see *Twenty-eighth Street Sewer*, 158 Pa. 464; *Donley v. Pittsburgh*, 147 Id. 348; *Dawson v. Pittsburgh*, 159 Id. 317; *Amberson Ave.*, 179 Id. 634. Other remedial acts of a similar character are those of June 4, 1897, P. L. 116; April 18, 1899, P. L. 57, and May 29, 1901, P. L. 321. This legislation is of a temporary character, intended to meet the cases contemplated therein, and is therefore not designed as the basis of a continuing system.

26 May 1891.

Plan to be attached to report of viewers.

16 May 1891.
§ 1. P. L. 90.

Court may make orders for payment of costs in road and street proceedings.

to be opened or widened, and the plan attached to the report of the viewers awarding the damages shall have therein a profile plan showing the existing grade.¹

36. The several courts of quarter sessions in this commonwealth shall have power in all proceedings therein for the opening or vacating of roads, streets or highways, or for the assessment of damages for the opening or widening of the same, to make such orders for the payment of the costs in each proceeding as to the said court shall seem just and proper.

V. Appeals.

26 May 1891.
§ 1. P. L. 116.

Appeal to court of common pleas from quarter sessions in road and street damage cases.

Trial by jury.

Id. § 2.

Appeal to be accompanied by affidavit.

37. Whenever any report of viewers appointed by any court of quarter sessions to assess damages for the opening, widening or change of grade of any street, road or highway, shall be confirmed by the court of quarter sessions to which the said report is made, an appeal may be taken from the said court of quarter sessions by any party aggrieved by the said decree of confirmation to the court of common pleas in said county for a trial of the question of damages by jury according to the course of common law, within thirty days from the entry of said decree of confirmation by the court of quarter sessions, and not afterwards.²

38. Any appeal taken in pursuance of this act shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of its, his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done.

¹ The viewers must prepare a schedule of benefits and damages, and a plan showing the improvements and the properties taken, injured or benefited. *McDermott*

peal the Act of June 13, 1874, P. L. 283, providing for an appeal within thirty days of the filing of the report. *Vernon Park, Philadelphia's App.*, 163 Pa. 70.

2. Councils shall cause any street, or part thereof, not less ^{2 May 1890.} _{§ 2.} than one block, to be sprinkled, or if such street is paved, to be cleaned at the cost of such abutting property owners, upon the petition of the owners or occupiers of such property, who shall represent a majority of the feet front on the street, or part thereof. ^{Streets may be sprinkled or cleaned on petition of abutting property owners.}

3. Said councils may cause such sprinkling to be done with the water of the city, when water works are owned or operated by such city, and with sprinkling carts and apparatus owned by such city, or may contract for the use of said carts and apparatus with the lowest responsible bidder, as provided in section six, article four of said act to which this is a supplement. ^{Id. § 3.} ^{Street sprinkling may be done by city, or under contract.}

Taxation.

[See TAXES.]

I. CONSTITUTIONAL PROVISIONS.

1. Taxation to be uniform.
2. Exemptions.

II. PROPERTY EXEMPT FROM TAXATION.

3. What property to be exempt from taxation. Proviso.

4. Unfinished buildings, when included.
5. Public property, etc., to be exempt from tax or municipal claims. Exceptions. Proviso.
6. Public libraries, museums, etc., to be exempt from taxation.

I. Constitutional Provisions.

1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.¹ ^{Const. 1874. Art. IX., § 1.} ^{Taxation to be uniform.}

¹The constitutional provision did not execute itself so as to repeal existing laws regulating taxation and exemptions, but was mandatory upon the legislature to enact general laws to carry it into effect. *Lehigh Iron Co. v. Lower Macungie*, 81 Pa. 482; *Coatesville Gas Co. v. Chester Co.*, 97 Id. 476; *Ruth's App.*, 10 W. N. C. 498. The legislature has the power to classify the subjects of taxation. *Kitty Roup's Case*, 81 Pa. 211; *Germania Life Ins. Co. v. Commonwealth*, 85 Id. 513; *Knisely v. Cotteral*, 196 Id. 614. The Act of March 18, 1875, P. L. 15, classifying real estate for purposes of taxation in cities of the third class, was declared unconstitutional, because optional, in *Scranton School Dist. App.*, 113 Pa. 176. The Act of May 28, 1879, P. L. 68, of similar purpose, was also unconstitutional for the same reason.

The property of a city necessary for carrying on the municipal government is not taxable for county purposes. *Erie County v. Erie*, 113 Pa. 360; *Clinton County v. Lock Haven*, 14 Dist. R. 563. But its property not necessary therefor is so taxable. *Erie County v. Water Commissioners*, 113 Pa. 368; *New Castle v. Lawrence County*, 2 Dist. R. 95. Railroad and canal companies and other quasi public corporations having the right of eminent domain, are specially taxable upon their

capital stock by the state, and such part of their property as is necessary to enable them to carry on their business is not liable to local taxation. *Northampton County v. Easton Passenger Railway Co.*, 148 Pa. 282; *Coatesville Gas Co. v. Chester County*, 97 Id. 476; *Pittsburgh's Appeal*, 123 Id. 374; *Lehigh County v. Bethlehem South Gas and Water Co.*, 4 Dist. R. 723; *Berks County v. East Pennsylvania R. R. Co.*, 1 Woodw. Decis. 376. But shops owned and operated by a railroad company for the construction and repair of locomotives and cars are liable to taxation for local purposes as real estate. *Railroad Co. v. Berks County*, 6 Pa. 70; *Penna., etc., R. R. Co. v. Vanduyke*, 137 Id. 249. *Comp. Railway Co. v. Venango County*, 5 Super. Ct. R. 304; 183 Pa. 618, and *Lehigh Valley R. R. Co. v. County Commissioners*, 24 Pa. C. C. R. 537. The real estate of an incorporated private market house company is not exempt from taxation. *Allegheny County v. Diamond Market*, 123 Pa. 164; *South Reading Market House Co. v. Berks County*, 11 W. N. C. 424. By the Act of June 13, 1883, P. L. 118, lands acquired by the federal government in cities or boroughs for the erection of post offices, custom houses, etc., are exempted from local taxation and assessments.

Const. 1874.
Art. IX. § 2.
Exemptions.

2. All laws exempting property from taxation other than the property above enumerated, shall be void.¹

II. Property Exempt from Taxation.

14 May 1874.
§ 1. P. L. 158

What property
to be exempt
from taxation.

3. All churches, meeting houses, or other regular places of stated worship, with the grounds thereto annexed necessary for the occupancy and enjoyment of the same; all burial-grounds not used or held for private or corporate profit;² all hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence or charity, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, founded, endowed and maintained by public or private charity; and all school houses belonging to any county, borough or school district, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same; and all court houses and jails, with the grounds thereto annexed, be and the same are hereby exempted from all and every county, city, borough.

¹ By Art. III., sec. 7, of the constitution, the legislature is prohibited from passing any local or special law exempting property from taxation. The constitutional provision is likewise binding upon municipalities, and no municipal corporation can exempt specific industries or subjects from the payment of a tax to which the same class of industries or subjects is by law liable. See *Zanesville v. Richards*, 5 Ohio St. R. 589; *Cooley on Taxation*, 153. The effect of such illegal exemptions may be to invalidate the entire tax roll upon which such exempted industries or subjects should have appeared; at all events if it operates to increase the amount at which others are taxed. *Dunham v. Chicago*, 55 Ill. R. 357; *Dillon, Munic. Corp.*, § 776, note. But exemptions in particular cases

relieved. (See *Olive Cemetery v. Philadelphia*, 93 Pa. 129; *Erie v. First Universalist Church*, 105 Id. 278.) Whilst a municipal assessment is still regarded as based upon the taxing power, (*McKeesport v. Fidler*, 147 Id. 532), it is no longer held to be a "tax" within the meaning of the foregoing provisions, and therefore churches, places of burial and charitable institutions, expressly declared by the constitution to be exempt from taxation, have been judicially decided to be liable for municipal assessments for local benefits, as for the cost of paving streets, curbing and paving sidewalks, construction of sewers, laying of water pipe, etc. The exemption is held to be restricted to taxation for general public purposes, and to no other, the earlier decisions in conflict with this interpretation being ex-

bounty, road, school and poor tax;¹ *Provided*, That all prop-^{14 May 1874.}
erty, real or personal, other than that which is in actual use ^{Proviso.}
and occupation for the purposes aforesaid, and from which
any income or revenue is derived, shall be subject to taxation,
except where exempted by law for state purposes, and nothing
herein contained shall exempt [the] same therefrom;² *And*
provided, That all property, real and personal, in actual use
and occupation, for the purposes aforesaid shall be subject to
taxation, unless the person or persons, association or cor-
poration, so using and occupying the same, shall be seized of
the legal or equitable title in the realty and possessor of the
personal property absolutely.³

4. Nothing in the act to which this is a supplement⁴ shall ^{4 June 1879.}
be taken as implying that any building, though incomplete ^{§ 1. P. L. 90.}
or in course of construction, shall be subject to taxation, ^{Unfinished}
where said building was intended under provision of said act ^{buildings,}
to be exempt from taxation when completed.⁵ ^{when included.}

5. Public property used for public purposes shall not be ^{19 March 1908.}
subject to tax claims or municipal claims; and actual places ^{§ 3. P. L. 48.}
of religious worship, places of burial not used or held for ^{Public prop-}
private or corporate profit, and institutions of purely public ^{erty, etc., to}
charity shall not be subject to tax or municipal claims, ex- ^{be exempt}
cept for removal of nuisances, for sewer claims and sewer ^{from tax or}
connections, or for the recurring, paving, repaving or repair ^{municipal}
^{claims.}

¹The law with relation to the sub-
jects of exemption has been well settled
by judicial construction. An institution
of public charity in the legislative sense
is not necessarily one solely controlled
and administered by the state, but the
term includes the numerous institutions
for purposes of purely public charity and
not administered, either in whole or in
part, for private or corporate gain. The
essential feature of a public use is that
it is not confined to privileged individuals
or classes, but is open to the general pub-
lic. If the entire property is thus de-
voted, the institution is exempt from tax-
ation. *Donohugh's App.*, 88 Pa. 306;
Philadelphia v. Women's Christian Asso-
ciation, 125 Id. 572; *Episcopal Academy*
v. Philadelphia, 150 Id. 565; *Erie v. Y.*
M. C. A., 151 Id. 168; *Philadelphia v.*
Masonic Home, 160 Id. 572; *Philadelphia*
v. Keystone Battery A, 169 Id. 526;
Missionary Society v. Receiver of Taxes,
173 Id. 456. See, also, *Mullen v. Tuenet*,
6 Super. Ct. R. 1; *White v. Smith*, 8 Id.
205; the latter overruled, 189 Pa. 222.
But such portions of the real estate
owned and occupied by a charitable in-
stitution as are leased to tenants paying
rent, or from which a revenue is derived,
are not exempt. *Philadelphia v. Barber*,
160 Pa. 123; *Mercantile Library Co. v.*
Philadelphia, 161 Id. 155; *Philadelphia*
v. Overseers Public School, 170 Pa.
257; *Pocono, etc., Assembly v. Mon-*
roe County, 29 Super. Ct. R. 86;
nor such as are separated from it and
not essential for its use. *Philadelphia v.*
Aid Society, 154 Pa. 12; nor property
leased by it at an annual rental. *Kittan-*
ning Academy v. Kittanning Borough, 8

Super. Ct. R. 27; nor such in which the
institution itself carries on a business for
profit. *American S. S. Union v. Phila-*
delphia, 161 Pa. 307. But where the
profits are devoted to the support of the
charity and the property is used directly
for its purposes, the institution is exempt.
Pennsylvania Hospital v. Delaware
County 169 Pa. 305; *Haverford College*
v. Rhoads, 6 Super. Ct. R. 71. A parson-
age belonging to a church is subject to
taxation when not locally annexed to the
church edifice or its curtilage; also, a
janitor's residence. *Pittsburgh v. Third*
Presbyterian Church, 10 Super. Ct. R.
302; *Church v. Montgomery County*, 10
W. N. C. 170; *Parsonage Taxes*, 25 Pa.
C. C. R. 570. When the charitable use of
the premises ceases, the exemption ends.
Moore v. Taylor, 147 Pa. 481; *Philadel-*
phia v. Hospital Association, 148 Id. 454;
Grubb v. Weaver, 19 Pa. C. C. R. 609.
Exemptions cannot be allowed for por-
tions of a year. *Philadelphia v. Penna.*
Inst. for Blind, 28 Super. Ct. R. 421.

²This proviso is unconstitutional as
disclosing a purpose to impose taxation
inconsistent with that indicated in its
title. *Sewickley Borough v. Sholes*, 118
Pa. 165. For other purposes, however,
the proviso stands and is to be considered
in interpreting the legislative intent of
the whole act. *Philadelphia v. Barber*,
160 Id. 123.

³The section amended as above by Act
of May 29, 1901, P. L. 319.

⁴The Act of May 14, 1874, *supra*.

⁵This section held to be unconstitu-
tional in *Pittsburgh v. Phelan*, 11 Dist.
R. 572. (C. P. Allegheny county.)

19 March 1903 ing the footways in front thereof. All other real estate, by
 Exceptions. whomsoever owned and for whatsoever purpose used, shall
 be subject to all tax claims and municipal claims herein pro-
 visos. vided for; *Provided however*, That nothing in this act con-
 tained shall hinder or prevent any city, borough, or township
 of the first class from providing that any municipal work
 may be done at the expense of the public generally, and be
 paid for out of the general city, borough or township funds.

20 April 1905. 6. All property, including buildings and the land reason-
 § 1. P. L. 234. ably necessary thereto, provided and maintained by public
 Public li- or private charity, and used exclusively for public libraries,
 braries, mu- museums or art galleries, and not used for private or cor-
 seums, etc., to porate profit, so long as the said public use continues, shall
 be exempt be exempt from taxation by any county, city, borough, town-
 from taxation. ship, school district or poor districts.

Tax Collectors.

1. Embezzlement by collectors or custodians of public taxes. Punishment therefor of principals or abettors.

3 June 1885.
 § 1. P. L. 72.

Embezzlement
 by collectors
 or custodians
 of public taxes.

1. If any person charged with the collection, safe-keeping
 or transfer of any state, county, township, school, city, bor-
 ough or municipal taxes, under any law or laws of this com-
 monwealth, shall convert or appropriate the moneys so col-
 lected, or any part thereof, to his own use in any way
 whatever,¹ or shall use by way of investment in any kind of
 property or merchandise any portion of the money so collect-
 ed by him from such tax or taxes, and shall prove a defaulter,
 or fail to pay over the same, or any part thereof, at the time
 or times, place or places required by law, and to the person

Punishment
 therefor of

Taxes.

[See ASSESSMENTS—CORPORATE POWERS—MUNICIPAL CLAIMS—
STREETS—TAXATION.]I. COLLECTION OF TAXES IN CITIES
OF THIRD CLASS.

1. Collection of taxes. Percentages to be added to unpaid taxes.
2. Collectors to be appointed. Compensation. Bond. Powers of collectors.
3. Collectors to make monthly returns of moneys received. Treasurer to enter satisfaction. When duplicates to be settled. Exonerations.
4. Collectors to deliver schedule of unpaid taxes to treasurer, with description of properties. Failure to collect tax not to impair lien. Liability of collector for false return.
5. Treasurer to certify unpaid taxes to collector. Registration of unpaid taxes in city lien-docket. Fee of prothonotary for registration. Transcripts of record.
6. Taxes to be liens from date of levy until paid. Priority of lien. Lien not to be divested by judicial sale, except as to amount paid out of proceeds. No exemption to be allowed.
7. Collection of city, school and poor taxes.
8. City treasurer to be collector. Oath.
9. When duplicates to be delivered to treasurer. To be open to public inspection.
10. Warrants for collection of duplicates. By whom warrants to be executed.
11. Treasurer to appoint deputy collectors. Compensation. Powers of treasurer as collector. Distraint of property and public sale thereof. Expiration of warrant.
12. Treasurer to give bond. Condition of bond. To cover term of office.
13. Rebate of taxes for prompt payment. Penalty on unpaid taxes.
14. What school and poor taxes collectible under this act.
15. Where treasurer to keep office.
16. Treasurer to make sworn returns to city controller and to representative of school board.
17. Entry of satisfaction on duplicates. When duplicates to be settled. Exonerations.
18. Uncollected taxes to be scheduled. Liens to be entered therefor. Affidavit to schedule. Failure to collect tax not to impair lien. Liability for false return. Schedule to be certified to city collector. How schedule of unpaid school and poor taxes to be certified. Registry of liens therefor.
19. Settlement of treasurer's accounts and returns.
20. Compensation of treasurer as collec-

tor. Limit of compensation. Retention of commissions.

21. Repeal.

II. SALE OF LANDS FOR CITY TAXES.

22. Sale of lands for unpaid city taxes.
23. Date of sale.
24. Schedules of delinquent taxes to be certified to city treasurer. Property to be advertised. How advertisement to be made. Posting of notice on premises. Taxes paid before sale. Lands may be redeemed within two years after sale. Conditions. Treasurer to keep registry of sales. City may bid and purchase.
25. Payment of purchase money and costs. Upon non-payment, property may be resold.
26. City treasurer to make return of sale to court. Contents of return. Confirmation of report. Disposition of exceptions to sale.
27. Purchaser to give bond to treasurer for surplus of purchase money. Bond to be filed in prothonotary's office. Bond to be lien. Owner may have judgment entered thereon. Execution.
28. City treasurer to execute deed to purchaser. Acknowledgment and recording of deed. Fee of prothonotary.
29. Proceedings in case of redemption. On payment of redemption moneys, treasurer's deed to be cancelled. Purchase money to be refunded. Record of redemption.
30. Repeal.

III. LIEN OF TAXES.

31. Lien of taxes to be divested by judicial sale. Proviso.
32. Officers charged with collection of taxes to give notice of amount of tax due. Taxes to be first paid out of proceeds, after costs.
33. Priority of lien of mortgages. Proviso.
34. Repeal.

IV. COLLECTION OF MUNICIPAL AS-
SESSMENTS.

35. Assessments for cost of municipal improvements to be paid as provided by ordinance. Penalty and interest.
36. Assessments to be lien for six months without filing of specification. Fee of prothonotary for entering lien. Sufficiency of specification. To be lien for ten years from date of entry. Amendment. Priority of lien.

I. Collection of Taxes in Cities of Third Class.

1. The duplicates, when completed as aforesaid,¹ shall be placed in the possession of the city treasurer on or before the first day of June,² who shall receive and collect said taxes. On the first day of September in each year, three per centum shall be added to all taxes then remaining unpaid, and on the first day of each month thereafter, one per centum shall be added to all outstanding taxes until the same are fully paid.³

¹ Under the preceding sections of Art. XV. of the Act of May 23, 1889.

² Where by reason of delay in the completion of the assessments the tax duplicates were not placed in the hands of the treasurer until after the date fixed by statute, held that the tax levy was not thereby invalidated. *Matthews v. Scranton*, 9 W. N. C. 507.

³ Not only the amount of the tax originally levied, but the percentages subsequently added for non-payment, are liens upon the real estate against which the tax is assessed, and are entitled to priority of payment out of the proceeds of a judicial sale. *Titusville's App.*, 108 Pa. 600.

23 May 1889
Art. XV., § 7.
P. L. 319.

Collection of
taxes.

Percentages to
be added to
unpaid taxes.

18 May 1891.

When no costs recoverable.

Notices and orders.

Pleadings.

Appeal to higher court.

Appeal not to prevent filing of liens.

firmed, modified or changed, the said appellant shall not recover any costs on the appeal. The said court of common pleas shall have power to order what notices shall be given in connection with any part of said proceedings, and make all and such orders as it may deem requisite, and may by rule or otherwise, prescribe the form of the pleadings. After verdict and final judgment, either party may have an appeal to the superior court or supreme court, as in other cases. No appeal taken under this act shall prevent the filing of liens by any municipality for any assessment made by said report; but, upon the final termination of the issue, the court shall make such order as to the lien filed as shall appear right and proper.¹

Id. § 7.

Where proceedings discontinued prior to entry and within thirty days after filing of report, corporation not to be liable for damages assessed.

To pay costs and actual damage only.

12. In case any such municipal corporation shall repeal any ordinance passed, or discontinue any proceeding taken, providing for any of the improvements mentioned in the preceding sections prior to the entry upon, taking, appropriation or injury to any property or materials, and within thirty days after the filing of the report of viewers assessing damages and benefits, the said municipality shall not thereafter be liable to pay any damages which have been or might have been assessed, but all costs upon any proceeding had thereon shall be paid by said municipal corporation, together with any actual damage, loss or injury sustained by reason of such proceedings.²

18 April 1905.
§ 1. P. L. 198.

Action of court upon exceptions to report of viewers.

13. Where any exceptions are filed to any report of viewers, made and filed in court in pursuance of the act, entitled "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascer-

posed of by the court; but when exceptions are filed that ^{18 April 1905.} only go to or affect some particular assessment of benefits or damages, and which in the consideration and final disposal thereof will not affect the assessments made against or in favor of other parties, in such case it shall be lawful for the court, at any time after the report has been filed thirty days, by decree, order or rule to confirm all such assessments as to which no exceptions have been filed. ^{When report may be confirmed in part.}

14. Where any appeal is taken to the action of any court confirming any viewers' reports or any part thereof, to which exceptions have been filed and overruled, such appeal, if taken for any manner or thing which will or may affect the entire report, shall have the effect of suspending the absolute confirmation of the entire report until the appeal is finally disposed of by the appellate court; but where the appeal is to matters and things which do not go to or affect the entire report or affect other assessments, any such appeal shall only affect the particular assessment or cause as to and for which the appeal is taken. In order to determine whether any appeal affects the entire report or any particular assessment, it shall be the duty of the appellant to file in the court below, before or at the time he files his writ of certiorari, a copy of his specifications or assignments of error, or grounds of appeal, and, upon the request of the proper municipality or any interested party, the court below, or a judge thereof in vacation, shall certify whether the said appeal, so taken, does not affect the entire report, and the said certificate shall be conclusive on said question. Where the court or judge certifies that the appeal taken will affect the entire report, no further proceedings shall be taken in the court below until after the final action of the appellate court; but where the said court or judge certifies that the appeal taken will only affect the particular assessment of benefits or damages, as the case may be, then the confirmation of all other assessments, as to which no appeal has been taken, shall be deemed and taken to be final and absolute. If on any appeal the action of the court below, confirming any report or any assessment, is affirmed, the date of the decree or judgment of the appellate court shall be deemed and taken as the day on which said report or assessment was finally confirmed. ^{Id. § 2.} ^{Effect of appeal on confirmation of report.} ^{Assignments of error to be filed by appellant.} ^{Certificate of court.} ^{Subsequent proceedings.} ^{Date when decree to take effect, on appeal.}

15. Where any appeal is taken to the supreme court from the action of any court confirming the report of viewers, or any part thereof, and an appeal is also taken to the superior court from the same report or any part thereof, and the appeals in both cases are substantially the same, and in which the same questions are involved, it shall be lawful for the superior court to certify the said appeal to the supreme court, to be heard with the other appeals from the same report, involving the same questions. And it shall be lawful for the supreme court to consolidate the said appeals, and to hear the ^{Id. § 3.} ^{Consolidation of appeals.}

18 April 1905. same as one case. And where several appeals are taken from the confirmation of the same report, either to the superior or the supreme court, the appellate court may consolidate the appeals, where the grounds of appeal are similar and the same questions involved.

Id. § 4.
 Several parties may join in single appeal. 16. It shall be lawful for the several parties or persons to unite and join in a single appeal from the confirmation of the report of viewers, or any parts thereof, either to the superior or supreme court, where the grounds of appeal are similar and the same questions are involved; but the uniting of the appellants shall not unite the amounts, or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the superior court, then the joint appeal shall be to the said court; but if the appeal of any one joint appellant, if taken singly, would be to the supreme court, then the joint appeal shall be to the said court. If any appeal has been taken to the supreme court, any other party, without regard to the amount involved, may appeal to the same court, and join in the said appeal, in case the grounds of appeal are similar and the same questions are involved.

Id. § 5.
 Act to apply to pending appeals. Specifications of error. 17. This act shall apply to appeals already taken, where the same have not been argued or disposed of. The proper municipality or any party interested may, by notice or rule upon the appellant, in any case, cause a statement or copy of the specifications of error or grounds of appeal to be filed in the court below; upon which the said court, or judge thereof in vacation, shall certify whether the appeal taken does or does not affect the entire report, in the manner and with the effect as set forth in section two of this act. Should any appeal, under this act or the act to which this is a supplement, be made to the wrong appellant court, it shall be the duty of the said court to certify the appeal to the court to

Court to correct misdirected appeals.

ing, curbing, macadamizing or other improvement of each street or alley [or part thereof within its corporate limits], upon the property benefited, according to benefits,¹ if sufficient can be found, but if not, then the deficiency, when finally ascertained, shall be paid by the municipal corporation, and the proceedings of said viewers, and the proceedings on their report, shall be as provided in this act for viewers and reports of viewers in cases of property taken, injured or destroyed.²

16 May 1891.

Costs to be assessed on properties benefited.

Deficiency to be paid by corporation.

Proceedings to be as before provided.

19. Every municipal corporation shall have power to open, widen, straighten or extend streets or alleys, or parts thereof, within its limits,³ and to vacate streets or alleys, or parts thereof, upon the petition of a majority in number and interest of owners of property abutting on the line of the proposed improvement,⁴ to be verified by the affidavit of one or more parties, as in the preceding section; a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person for the purposes of petition. Every municipal corporation shall have power, whenever the councils or authorities thereof shall deem it necessary, to open, widen, straighten or extend streets or alleys, or parts thereof, and to vacate streets or alleys, or parts thereof, without any petition of property owners; *Provided*, The ordinance or ordinances authorizing the same shall be adopted and enacted by the affirmative vote of three-fourths of the members-elect composing the councils of such municipality, and approved by the mayor, city recorder or burgess thereof. No such ordinance shall be finally adopted and enacted in a less period than thirty days from the date of its introduction, and in the meantime copies of said ordinance shall be published in each of the official newspapers of such municipality once a week for three consecutive weeks immediately following the introduction thereof, and in case such municipality shall have no official newspapers, then in at least one newspaper published in the county in which the

Id. § 9.

Power to open, widen, straighten, extend or vacate streets.

Petitioners to represent majority of owners in number and interest.

Power to make street improvements without petition, by three-fourths vote of councils.

How ordinance therefor to be passed.

Copies of ordinance to be published.

¹ Upon the question whether this provision repeals those of the Act of May 23, 1880, Art. XIII., sec. 1, P. L. 312, relative to assessing cost of sewer on all the property in the sewer district, see *Park Ave. Sewers*, 169 Pa. 433; *Bradford City v. Foster*, 5 Dist. R. 523; also *Corry v. Corry Chair Co.*, 18 Super. Ct. R. 271.

² The portions of the above section in brackets added thereto by the amending Act of April 28, 1899, P. L. 100.

³ See the Act of March 18, 1901, P. L. 51, authorizing the laying out and opening by township authorities of public roads which are extensions of streets in cities or boroughs, of equal width with such city or borough streets; also the Act of April 3, 1906, P. L. 137, authorizing the altering or widening of any public road connecting cities or boroughs, and prescribing the mode of assessing the

damages incident thereto. By the Act of April 20, 1905, P. L. 237, counties, cities or boroughs are authorized to provide for the repair, maintenance and improvement of portions of turnpikes within their limits which have been appropriated to public use. By the Act of May 24, 1887, P. L. 203, the county commissioners of counties erecting public buildings in any city of the state are empowered, with the approval of the court of common pleas, to join with the city authorities in the grading, paving, etc., of such parts of the streets as about thereon, and to contract with the city authorities for the payment of a just proportion of the cost thereof.

⁴ This means the majority of owners on the portion of the street to be actually improved, and not the majority of the owners on the whole of the street. *Spicer v. Pittsburgh*, 166 Pa. 86; *Union Alley*, 9 Dist. R. 209.

16 May 1891. municipality is situate, once a week for three consecutive weeks.¹

Id. § 10.

Upon passage of ordinance, notice thereof to be given.

Handbills to be posted.

Contents of notice.

Party interested may appeal to court of common pleas as to majority petitioning.

Petition.

Power of court to approve or quash proceeding.

Estoppel of parties by decree.

20. The majority in interest and number required for petitions to councils shall be fixed as of the date of the presentation of said petition. After the passage or approval of any ordinance for the opening, widening, straightening, extending, grading, paving, macadamizing or otherwise improving any street or alley, notice shall, within ten days thereafter, be given by hand bills posted in conspicuous places along the line of the proposed improvement, which notice shall state the fact of the passage or approval of the ordinance, the date of the passage or approval, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested and denying the fact that said petition was so signed may appeal to any court of common pleas of the proper county within sixty days from the passage or approval of said ordinance, and any person interested may, within sixty days from the passage or approval of said ordinance, present a petition to any court of common pleas of the proper county setting forth the facts, whereupon the said court shall inquire and determine whether said improvement was petitioned for by the requisite majority, and if said court shall find that it was not so petitioned for, shall quash said ordinance, but if said court shall find that it was so petitioned for, it shall approve the ordinance.² If no appeal shall be taken as aforesaid, or if the court on appeal shall approve the ordinance, the municipal corporation may proceed with the improvement, and thereafter all parties interested shall be estopped from denying the fact that said petition was signed by the requisite majority of property owners as required by

repaired, shall be situate, and file a lien therefor, or collect the same by action of assumpsit.¹

22. Every municipality shall have a general plan of its streets and alleys, including those which have been, or may be, laid out but not opened; which plan shall be filed in the office of the engineer or other proper office of the municipality, and all sub-divisions of property thereafter made shall conform thereto. No streets or alleys, or parts thereof, laid out and confirmed, shall afterwards be altered without the consent of councils; and no map or plot of streets or alleys shall be entered or recorded in any public office of the county in which said municipality is situated until approved by councils. No person shall hereafter be entitled to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the lines of any located street or alley after the same shall have been located or ordained by councils.

16 May 1891.

Lien to be laid and collected.

Id. § 12.

General plan of streets and alleys.

Where to be filed.

Streets on plan not to be altered without consent of councils.

Plan not to be recorded until approved by councils.

No damages to be recoverable for buildings erected on plotted streets.

23. The municipalities of the commonwealth shall have the power and authority to vacate, in whole or in part, all streets, lanes and alleys within their corporate limits, laid out by this commonwealth, whenever the same, or the portion to be vacated, shall have remained unopened for a continuous period of thirty years next preceding such vacation.

21 March 1905.

§ 1. P. L. 463.

Power to vacate unopened streets.

24. In exercising the power aforesaid, all proceedings for the ascertaining of damages, and the assessment of benefits incident thereto, shall be as now provided for by law in reference to payment of costs, damages and expenses of public improvements within municipal corporations.

Id. § 2.

Proceedings.

25. In addition to the present method provided by law for the payment and collection of the costs and expense of the permanent paving and improvement of any streets, alleys and other highways, or parts thereof, by the cities of this commonwealth, said cities shall have power to ordain that said costs and expense may be paid and collected in accordance with the provisions of this act.

12 June 1893.

§ 1. P. L. 458.

Cost of paving and improving streets and highways.

26. In order to provide for the payment of the cost and expense of such improvements, the councils of the cities of this commonwealth may, from time to time, issue their bonds in such sums as may be required, in all to an amount not exceeding the cost and expense of such improvement and interest thereon. Said bonds shall bear the name of the street or alley to be improved. They shall be payable at a period not less than five years from the date of their issue, to be provided in the ordinance directing the improvement, and bear interest at a rate not exceeding six per centum per annum, payable semi-annually, on the first day of July and January.

Id. § 2.

Improvement bonds may be issued.

How designated.

Term of bonds.

Interest.

¹ See *Pittsburgh v. Daly*, 5 Super. Ct. District, 17 Super. Ct. R. 33; *Pittsburgh v. Biggert*, 23 Id. 540.

not designed as system.

12 June 1898.
§ 3.

When question
of issuance of
bonds to be
submitted to
electors.

27. In all cases where it may be necessary to obtain the assent of the electors to an issue of bonds, the question of thus increasing the city debt shall be so submitted to the electors that they shall have the opportunity of voting for or against the issue of bonds for the improvement of any particular street or alley, separately and apart from the question of increasing the city debt for the improvement of any other street or alley.

Id. § 4.

Bonds not to
be negotiated
under par.

28. Said bonds shall be negotiated at not less than par, as other bonds of said cities are negotiated, and the proceeds thereof applied solely to the payment of the cost of said improvement. The contract price of the same and interest thereon to the first day when interest thereon is payable, shall be taken as the cost of said improvement, to be assessed on the property benefited, according to existing laws in each of said cities.

Assessment on
property
benefited.

Id. § 5.

Assessments to
be entered
of record.

To be first
liens until
paid.

29. Such assessments shall be entered in the proper municipal lien and judgment docket in the prothonotary's office, and shall, if filed within six months from the completion of the improvements, without the issuing of a scire facias to revive, remain a first lien upon the property assessed until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale unless the payment of the same is provided for from the proceeds of such sale. The assessment shall state the name of the city claimant, the name of the owner or reputed owner, a reasonable description of the property, the amount claimed to be due, for what improvement the claim is made, and the time when the assessment was finally confirmed or made.

What record
of assessment
to contain.

Id. § 6.

Assessments to
be payable in
installments.

30. Such assessment shall be payable at the city treasurer's office in equal semi-annual installments, with interest at the rate provided in said bonds, from the date to which interest

any owner shall sub-divide any property after such lien attaches, he in like manner may discharge the same upon any sub-divided portion thereof by paying the amount for which said part would be liable. ^{12 June 1893.} ^{Payment where property is subdivided.}

33. All cities in this commonwealth shall have power, without petition of property owners, to grade, pave, curb, macadamize and otherwise improve any public street or public alley, or part thereof, within their corporate limits; *Provided*, The ordinance or ordinances authorizing and directing such improvement shall be adopted and enacted by the affirmative vote of three-fourths of the members-elect composing the councils of the said cities, and shall be approved by the mayor or city recorder thereof. No such ordinance shall be finally adopted and enacted in a less period than thirty days from the date of its introduction, and in the meantime copies of said ordinance shall be published in each of the official newspapers of such cities once a week for three consecutive weeks immediately following the introduction thereof, and in the event such cities shall have no official newspapers, then in at least two weekly newspapers published in the county in which the cities are situate, once a week for three consecutive weeks.¹ ^{22 May 1896.} ^{§ 1. P. L. 105.} ^{Power to grade, pave, curb, macadamize and improve streets and alleys.} ^{How ordinance therefor to be enacted.} ^{Publication of ordinance.}

34. In exercising the power aforesaid all proceedings for the ascertaining of damages and the assessment of benefits incident thereto shall be as now provided by law in reference to payment of costs, damages and expenses of public improvements within municipal corporations.² ^{Id. § 2.} ^{Damages and benefits, how ascertained.}

IV. Damages and Costs.

35. In all cases of assessment of damages for the opening or widening of any street or highway in any city in this commonwealth, the award of damages, if any, shall include all damages due to the grade at which said street or highway is ^{26 May 1891.} ^{§ 1. P. L. 117.} ^{Damages for opening or widening of street to include damages due to grade.}

¹ The section amended as above by Act of April 25, 1903, P. L. 301. See *New Castle v. Rearie*, 18 Super. Ct. R. 350.

² This section held to be constitutional in *Greenfield Ave.*, 191 Pa. 290 (reversing S. C. 8 Dist. R. 80). The purpose of the act was to enlarge the occasions on which the power of municipalities to assess benefits might be exercised. Id. Various acts of assembly have been passed authorizing assessments and reassessments for cost of local improvements and providing for the collection thereof, which were of a remedial character, merely, and designed to validate proceedings begun under the Municipal Act of May 24, 1887, P. L. 204, or under other laws subsequently declared unconstitutional. Among them is the Act of May 23, 1889, P. L. 272, applicable to cities of the third class. These acts have been held constitutional on the ground that as it was within the

power of the legislature to provide for the making of the improvements of which the property owners had received the benefit, it might subsequently validate what it might have originally authorized. See *Chester City v. Black*, 132 Pa. 568; *Chester City v. Pennell*, 169 Id. 300; *Harrisburg v. Adams*, 18 Pa. C. C. R. 118; *Chester City v. Bullock*, 187 Pa. 544. As to the similar Acts of May 16, 1891, P. L. 65, and May 16, 1891, P. L. 71, see *Twenty-eighth Street Sewer*, 158 Pa. 464; *Donley v. Pittsburgh*, 147 Id. 348; *Dawson v. Pittsburgh*, 159 Id. 317; *Amberson Ave.*, 179 Id. 634. Other remedial acts of a similar character are those of June 4, 1897, P. L. 116; April 18, 1899, P. L. 57, and May 29, 1901, P. L. 321. This legislation is of a temporary character, intended to meet the cases contemplated therein, and is therefore not designed as the basis of a continuing system.

214 STREETS—STREET SPRINKLING AND CLEANING.

26 May 1891.

Plan to be attached to report of viewers.

16 May 1891.

§ 1. P. L. 90.

Court may make orders for payment of costs in road and street proceedings.

to be opened or widened, and the plan attached to the report of the viewers awarding the damages shall have therein a profile plan showing the existing grade.¹

36. The several courts of quarter sessions in this commonwealth shall have power in all proceedings therein for the opening or vacating of roads, streets or highways, or for the assessment of damages for the opening or widening of the same, to make such orders for the payment of the costs in each proceeding as to the said court shall seem just and proper.

V. Appeals.

26 May 1891.

§ 1. P. L. 116.

Appeal to court of common pleas from quarter sessions in road and street damage cases.

Trial by jury.

Id. § 2.

Appeal to be accompanied by affidavit.

37. Whenever any report of viewers appointed by any court of quarter sessions to assess damages for the opening, widening or change of grade of any street, road or highway, shall be confirmed by the court of quarter sessions to which the said report is made, an appeal may be taken from the said court of quarter sessions by any party aggrieved by the said decree of confirmation to the court of common pleas in said county for a trial of the question of damages by jury according to the course of common law, within thirty days from the entry of said decree of confirmation by the court of quarter sessions, and not afterwards.²

38. Any appeal taken in pursuance of this act shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of its, his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done.

¹ The viewers must prepare a schedule of benefits and damages, and a plan showing the improvements and the properties taken, injured or benefited. *McDermott*

peal the Act of June 13, 1874, P. L. 283, providing for an appeal within thirty days of the filing of the report. *Vernon Park, Philadelphia's App.*, 163 Pa. 70.

2. Councils shall cause any street, or part thereof, not less than one block, to be sprinkled, or if such street is paved, to be cleaned at the cost of such abutting property owners, upon the petition of the owners or occupiers of such property, who shall represent a majority of the feet front on the street, or part thereof.

2 May 1890.
§ 2.
Streets may be sprinkled or cleaned on petition of abutting property owners.

3. Said councils may cause such sprinkling to be done with the water of the city, when water works are owned or operated by such city, and with sprinkling carts and apparatus owned by such city, or may contract for the use of said carts and apparatus with the lowest responsible bidder, as provided in section six, article four of said act to which this is a supplement.

Id. § 3.
Street sprinkling may be done by city, or under contract.

Taxation.

[See TAXES.]

I. CONSTITUTIONAL PROVISIONS.

1. Taxation to be uniform.
2. Exemptions.

4. Unfinished buildings, when included.
5. Public property, etc., to be exempt from tax or municipal claims. Exceptions. Proviso.
6. Public libraries, museums, etc., to be exempt from taxation.

II. PROPERTY EXEMPT FROM TAXATION.

3. What property to be exempt from taxation. Proviso.

I. Constitutional Provisions.

1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.¹

Const. 1874.
Art. IX., § 1.
Taxation to be uniform.

¹The constitutional provision did not execute itself so as to repeal existing laws regulating taxation and exemptions, but was mandatory upon the legislature to enact general laws to carry it into effect. *Lehigh Iron Co. v. Lower Macungie*, 81 Pa. 482; *Coatesville Gas Co. v. Chester Co.*, 97 Id. 476; *Ruth's App.*, 10 W. N. C. 498. The legislature has the power to classify the subjects of taxation. *Kitty Roup's Case*, 81 Pa. 211; *Germania Life Ins. Co. v. Commonwealth*, 85 Id. 513; *Knisely v. Cotteral*, 196 Id. 614. The Act of March 18, 1875, P. L. 15, classifying real estate for purposes of taxation in cities of the third class, was declared unconstitutional, because optional, in *Scranton School Dist. App.*, 113 Pa. 176. The Act of May 28, 1879, P. L. 68, of similar purpose, was also unconstitutional for the same reason.

The property of a city necessary for carrying on the municipal government is not taxable for county purposes. *Erie County v. Erie*, 113 Pa. 360; *Clinton County v. Lock Haven*, 14 Dist. R. 563. But its property not necessary therefor is so taxable. *Erie County v. Water Commissioners*, 113 Pa. 368; *New Castle v. Lawrence County*, 2 Dist. R. 95. Railroad and canal companies and other quasi public corporations having the right of eminent domain, are specially taxable upon their

capital stock by the state, and such part of their property as is necessary to enable them to carry on their business is not liable to local taxation. *Northampton County v. Easton Passenger Railway Co.*, 148 Pa. 282; *Coatesville Gas Co. v. Chester County*, 97 Id. 476; *Pittsburgh's Appeal*, 123 Id. 374; *Lehigh County v. Bethlehem South Gas and Water Co.*, 4 Dist. R. 723; *Berks County v. East Pennsylvania R. R. Co.*, 1 Woodw. Decis. 376. But shops owned and operated by a railroad company for the construction and repair of locomotives and cars are liable to taxation for local purposes as real estate. *Railroad Co. v. Berks County*, 6 Pa. 70; *Penna., etc., R. R. Co. v. Vanduyke*, 137 Id. 249. *Comp. Railway Co. v. Venango County*, 5 Super. Ct. R. 304; 183 Pa. 618, and *Lehigh Valley R. R. Co. v. County Commissioners*, 24 Pa. C. C. R. 537. The real estate of an incorporated private market house company is not exempt from taxation. *Allegheny County v. Diamond Market*, 123 Pa. 164; *South Reading Market House Co. v. Berks County*, 11 W. N. C. 424. By the Act of June 13, 1883, P. L. 118, lands acquired by the federal government in cities or boroughs for the erection of post offices, custom houses, etc., are exempted from local taxation and assessments.

Const. 1874.
Art. IX § 2.
Exemptions.

2. All laws exempting property from taxation other than the property above enumerated, shall be void.¹

II. Property Exempt from Taxation.

14 May 1874.
§ 1. P. L. 158.
What property
to be exempt
from taxation.

3. All churches, meeting houses, or other regular places of stated worship, with the grounds thereto annexed necessary for the occupancy and enjoyment of the same; all burial-grounds not used or held for private or corporate profit;² all hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence or charity, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, founded, endowed and maintained by public or private charity; and all school houses belonging to any county, borough or school district, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same; and all court houses and jails, with the grounds thereto annexed, be and the same are hereby exempted from all and every county, city, borough.

¹ By Art. III., sec. 7, of the constitution, the legislature is prohibited from passing any local or special law exempting property from taxation. The constitutional provision is likewise binding upon municipalities, and no municipal corporation can exempt specific industries or subjects from the payment of a tax to which the same class of industries or subjects is by law liable. See *Zanesville v. Richards*, 5 Ohio St. R. 589; *Cooley on Taxation*, 153. The effect of such illegal exemptions may be to invalidate the entire tax roll upon which such exempted industries or subjects should have appeared; at all events if it operates to increase the amount at which others are taxed. *Dunham v. Chicago*, 55 Ill. R. 255.

relieved. (See *Olive Cemetery v. Philadelphia*, 93 Pa. 129; *Erie v. First Universalist Church*, 105 Id. 278.) Whilst a municipal assessment is still regarded as based upon the taxing power, (*McKeessport v. Fidler*, 147 Id. 532), it is no longer held to be a "tax" within the meaning of the foregoing provisions, and therefore churches, places of burial and charitable institutions, expressly declared by the constitution to be exempt from taxation, have been judicially decided to be liable for municipal assessments for local benefits, as for the cost of paving streets, curbing and paving sidewalks, construction of sewers, laying of water pipe, etc. The exemption is held to be restricted to taxation for general public purposes, and

bounty, road, school and poor tax;¹ *Provided*, That all prop-^{14 May 1874.}
erty, real or personal, other than that which is in actual use ^{Proviso.}
and occupation for the purposes aforesaid, and from which
any income or revenue is derived, shall be subject to taxation,
except where exempted by law for state purposes, and nothing
herein contained shall exempt [the] same therefrom;² *And*
provided, That all property, real and personal, in actual use
and occupation, for the purposes aforesaid shall be subject to
taxation, unless the person or persons, association or cor-
poration, so using and occupying the same, shall be seized of
the legal or equitable title in the realty and possessor of the
personal property absolutely.³

4. Nothing in the act to which this is a supplement⁴ shall ^{4 June 1879.}
be taken as implying that any building, though incomplete ^{§ 1. P. L. 90.}
or in course of construction, shall be subject to taxation, ^{Unfinished}
where said building was intended under provision of said act ^{buildings,}
to be exempt from taxation when completed.⁵ ^{when included.}

5. Public property used for public purposes shall not be ^{19 March 1908.}
subject to tax claims or municipal claims; and actual places ^{§ 3. P. L. 48.}
of religious worship, places of burial not used or held for ^{Public prop-}
private or corporate profit, and institutions of purely public ^{erty, etc., to}
charity shall not be subject to tax or municipal claims, ex- ^{be exempt}
cept for removal of nuisances, for sewer claims and sewer ^{from tax or}
connections, or for the recurring, paving, repaving or repair ^{municipal}
^{claims.}

¹The law with relation to the sub-
jects of exemption has been well settled
by judicial construction. An institution
of public charity in the legislative sense
is not necessarily one solely controlled
and administered by the state, but the
term includes the numerous institutions
for purposes of purely public charity and
not administered, either in whole or in
part, for private or corporate gain. The
essential feature of a public use is that
it is not confined to privileged individuals
or classes, but is open to the general pub-
lic. If the entire property is thus de-
voted, the institution is exempt from tax-
ation. *Donohugh's App.*, 86 Pa. 306;
Philadelphia v. Women's Christian Asso-
ciation, 125 Id. 572; *Episcopal Academy*
v. Philadelphia, 150 Id. 565; *Erie v. Y.*
M. C. A., 151 Id. 168; *Philadelphia v.*
Masonic Home, 160 Id. 572; *Philadelphia*
v. Keystone Battery A, 169 Id. 526;
Missionary Society v. Receiver of Taxes,
173 Id. 456. See, also, *Mullen v. Juenet*,
6 Super. Ct. R. 1; *White v. Smith*, 8 Id.
205; the latter overruled, 189 Pa. 222.
But such portions of the real estate
owned and occupied by a charitable in-
stitution as are leased to tenants paying
rent, or from which a revenue is derived,
are not exempt. *Philadelphia v. Barber*,
160 Pa. 123; *Mercantile Library Co. v.*
Philadelphia, 161 Id. 155. *Philadelphia*
v. Overseers Public School, 170 Pa.
257; *Pocono, etc., Assembly v. Mon-*
roe County, 29 Super. Ct. R. 36;
nor such as are separated from it and
not essential for its use. *Philadelphia v.*
Aid Society, 154 Pa. 12; nor property
leased by it at an annual rental. *Kittan-*
ning Academy v. Kittanning Borough, 8

Super. Ct. R. 27; nor such in which the
institution itself carries on a business for
profit. *American S. S. Union v. Phila-*
delphia, 161 Pa. 307. But where the
profits are devoted to the support of the
charity and the property is used directly
for its purposes, the institution is exempt.
Pennsylvania Hospital v. Delaware
County 169 Pa. 305; *Haverford College*
v. Rhoads, 6 Super. Ct. R. 71. A parson-
age belonging to a church is subject to
taxation when not locally annexed to the
church edifice or its curtilage; also, a
janitor's residence. *Pittsburgh v. Third*
Presbyterian Church, 10 Super. Ct. R.
302; *Church v. Montgomery County*, 10
W. N. C. 170; *Parsonage Taxes*, 25 Pa.
C. C. R. 570. When the charitable use of
the premises ceases, the exemption ends.
Moore v. Taylor, 147 Pa. 481; *Philadel-*
phia v. Hospital Association, 148 Id. 454;
Grubb v. Weaver, 19 Pa. C. O. R. 609.
Exemptions cannot be allowed for por-
tions of a year. *Philadelphia v. Penna.*
Inst. for Blind, 28 Super. Ct. R. 421.

²This proviso is unconstitutional as
disclosing a purpose to impose taxation
inconsistent with that indicated in its
title. *Sewickley Borough v. Sholes*, 118
Pa. 165. For other purposes, however,
the proviso stands and is to be considered
in interpreting the legislative intent of
the whole act. *Philadelphia v. Barber*,
160 Id. 123.

³The section amended as above by Act
of May 29, 1901, P. L. 319.

⁴The Act of May 14, 1874, *supra*.

⁵This section held to be unconstitu-
tional in *Pittsburgh v. Phelan*, 11 Dist.
R. 572. (C. P. Allegheny county.)

- 19 March 1903
Exceptions. ing the footways in front thereof. All other real estate, by whomsoever owned and for whatsoever purpose used, shall be subject to all tax claims and municipal claims herein provided for; *Provided however*, That nothing in this act contained shall hinder or prevent any city, borough, or township of the first class from providing that any municipal work may be done at the expense of the public generally, and be paid for out of the general city, borough or township funds.
- 20 April 1905.
§ 1. P. L. 234.
Public li-
braries, mu-
seums, etc., to
be exempt
from taxation.
6. All property, including buildings and the land reasonably necessary thereto, provided and maintained by public or private charity, and used exclusively for public libraries, museums or art galleries, and not used for private or corporate profit, so long as the said public use continues, shall be exempt from taxation by any county, city, borough, township, school district or poor districts.

Tax Collectors.

1. Embezzlement by collectors or custodians of public taxes. Punishment therefor of principals or abettors.

- 3 June 1885.
§ 1. P. L. 72.
Embezzlement
by collectors
or custodians
of public taxes.
1. If any person charged with the collection, safe-keeping or transfer of any state, county, township, school, city, borough or municipal taxes, under any law or laws of this commonwealth, shall convert or appropriate the moneys so collected, or any part thereof, to his own use in any way whatever,¹ or shall use by way of investment in any kind of property or merchandise any portion of the money so collected by him from such tax or taxes, and shall prove a defaulter, or fail to pay over the same, or any part thereof, at the time or times, place or places required by law, and to the person or persons legally authorized to demand and receive the same,
- Punishment
therefor of
principals or

Taxes.

[See ASSESSMENTS—CORPORATE POWERS—MUNICIPAL CLAIMS—STREETS—TAXATION.]

I. COLLECTION OF TAXES IN CITIES OF THIRD CLASS.

1. Collection of taxes. Percentages to be added to unpaid taxes.
2. Collectors to be appointed. Compensation. Bond. Powers of collectors.
3. Collectors to make monthly returns of moneys received. Treasurer to enter satisfaction. When duplicates to be settled. Exonerations.
4. Collectors to deliver schedule of unpaid taxes to treasurer, with description of properties. Failure to collect tax not to impair lien. Liability of collector for false return.
5. Treasurer to certify unpaid taxes to solicitor. Registration of unpaid taxes in city lien-docket. Fee of prothonotary for registration. Transcripts of record.
6. Taxes to be liens from date of levy until paid. Priority of lien. Lien not to be divested by judicial sale, except as to amount paid out of proceeds. No exemption to be allowed.
7. Collection of city, school and poor taxes.
8. City treasurer to be collector. Oath.
9. When duplicates to be delivered to treasurer. To be open to public inspection.
10. Warrants for collection of duplicates. By whom warrants to be executed.
11. Treasurer to appoint deputy collectors. Compensation. Powers of treasurer as collector. Distraint of property and public sale thereof. Expiration of warrant.
12. Treasurer to give bond. Condition of bond. To cover term of office.
13. Rebate of taxes for prompt payment. Penalty on unpaid taxes.
14. What school and poor taxes collectible under this act.
15. Where treasurer to keep office.
16. Treasurer to make sworn returns to city controller and to representative of school board.
17. Entry of satisfaction on duplicates. When duplicates to be settled. Exonerations.
18. Uncollected taxes to be scheduled. Liens to be entered therefor. Affidavit to schedule. Failure to collect tax not to impair lien. Liability for false return. Schedule to be certified to city solicitor. How schedule of unpaid school and poor taxes to be certified. Registry of liens therefor.
19. Settlement of treasurer's accounts and returns.
20. Compensation of treasurer as collector.

tor. Limit of compensation. Retention of commissions.
21. Repeal.

II. SALE OF LANDS FOR CITY TAXES.

22. Sale of lands for unpaid city taxes.
23. Date of sale.
24. Schedules of delinquent taxes to be certified to city treasurer. Property to be advertised. How advertisement to be made. Posting of notice on premises. Taxes paid before sale. Lands may be redeemed within two years after sale. Conditions. Treasurer to keep registry of sales. City may bid and purchase.
25. Payment of purchase money and costs. Upon non-payment, property may be resold.
26. City treasurer to make return of sale to court. Contents of return. Confirmation of report. Disposition of exceptions to sale.
27. Purchaser to give bond to treasurer for surplus of purchase money. Bond to be filed in prothonotary's office. Bond to be lien. Owner may have judgment entered thereon. Execution.
28. City treasurer to execute deed to purchaser. Acknowledgment and recording of deed. Fee of prothonotary.
29. Proceedings in case of redemption. On payment of redemption moneys, treasurer's deed to be cancelled. Purchase money to be refunded. Record of redemption.
30. Repeal.

III. LIEN OF TAXES.

31. Lien of taxes to be divested by judicial sale. Proviso.
32. Officers charged with collection of taxes to give notice of amount of tax due. Taxes to be first paid out of proceeds, after costs.
33. Priority of lien of mortgages. Proviso.
34. Repeal.

IV. COLLECTION OF MUNICIPAL ASSESSMENTS.

35. Assessments for cost of municipal improvements to be paid as provided by ordinance. Penalty and interest.
36. Assessments to be lien for six months without filing of specification. Fee of prothonotary for entering lien. Sufficiency of specification. To be lien for ten years from date of entry. Amendment. Priority of lien.

I. Collection of Taxes in Cities of Third Class.

1. The duplicates, when completed as aforesaid,¹ shall be placed in the possession of the city treasurer on or before the first day of June,² who shall receive and collect said taxes. On the first day of September in each year, three per centum shall be added to all taxes then remaining unpaid, and on the first day of each month thereafter, one per centum shall be added to all outstanding taxes until the same are fully paid.³

¹ Under the preceding sections of Art. XV. of the Act of May 23, 1889.

² Where by reason of delay in the completion of the assessments the tax duplicates were not placed in the hands of the treasurer until after the date fixed by statute, held that the tax levy was not thereby invalidated. *Matthews v. Scranton*, 9 W. N. C. 507.

³ Not only the amount of the tax originally levied, but the percentages subsequently added for non-payment, are liens upon the real estate against which the tax is assessed, and are entitled to priority of payment out of the proceeds of a judicial sale. *Titusville's App.*, 108 Pa. 600.

23 May 1889
Art. XV., § 7.
P. L. 319.
Collection of
taxes.

Percentages to
be added to
unpaid taxes.

23 May 1880.
Art. XV.
§ 8.

Collectors to
be appointed.

Compensation.

Bond.

Powers of
collectors.

Id. § 9.

Collectors to
make monthly
returns of
moneys re-
ceived.

Treasurer to
enter satis-
faction.

When dupli-
cates to be
settled.

2. On and after the first day of November in each year, the city treasurer shall place duplicates of unpaid taxes in the hands of the collectors, to be by him appointed, with his warrant for their collection,¹ who shall collect the same, and shall receive such compensation for their services as may be authorized by councils. The said collectors, before entering upon their duties, shall severally give bond to the city, in a sum equal to the amount of taxes in their duplicate, with corporate or two sufficient sureties, to be approved by councils conditioned for the faithful accounting for according to law of all taxes charged in the duplicate. The said collectors shall severally have and exercise all the powers vested by law in the collectors of state and county taxes, and shall also be authorized, after five days' notice, to seize by levy and distress any property on the premises assessed belonging to tenants or others, without regard to the date of the assessment of the tax and to sell the same, giving ten days' public notice of such sale by written or printed advertisement, and to levy upon any personal property of the delinquent that may be found within the county for the collection of said tax, and after notice of sale as aforesaid to sell the same for the payment of said tax.²

3. Each of the said collectors shall immediately proceed to collect the taxes as charged in the duplicates placed in his hands, and shall pay over at the end of each month all moneys he may have by that time collected, and he shall make a return therewith, showing by whom, and upon what properties the real estate taxes have been paid,³ and thereupon it shall be the duty of the city treasurer to satisfy the real estate tax thus paid upon the duplicates remaining in his office. The said collectors of city taxes shall settle their respective duplicates within five months from the time the same came

of, could be made or collected as provided by law; *Provided*, ^{23 May 1890. Art. XV.} *however*, That the failure of the said collector to collect the said tax from personal property when the same could have been collected, shall not impair the lien of any such tax, or affect the validity of any sale made in the collection thereof; *And provided further*, That in case any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby. ^{Failure to collect tax not to impair lien.} ^{Liability of collector for false return.}

5. It shall be the duty of the city treasurer, upon the return to him of the schedules of unpaid city taxes, as provided in the preceding section, to certify the said schedules and taxes, or a copy thereof, to the city solicitor,¹ who shall cause the said taxes, with the penalties thereon, to be registered in the name of the city and against the person or persons charged in the duplicates with the same, in the office of the prothonotary of the proper county, who shall keep a separate book for that purpose, to be called the city lien docket. The prothonotary shall be allowed and paid for each tax so registered a fee of twenty-five cents, which shall form a part of the costs, and shall be paid by the person from whom the tax is due; he shall also make searches and furnish transcripts or extracts from the register of taxes aforesaid, for which he shall be allowed the usual fees, to be paid by the party applying for the same.² ^{Id. § 11.} ^{Treasurer to certify unpaid taxes to solicitor.} ^{Registration of unpaid taxes in city lien-docket.} ^{The Fee of prothonotary for registration.} ^{Transcripts of record.}

6. All taxes assessed upon real estate under the provisions of this act shall be and continue to be liens thereon from the date of the assessment and levy thereof until paid. The lien of said taxes shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, obligation, lien or responsibility which the said real estate may become charged with or liable to, and shall not be divested by any judicial sale, except for so much of the proceeds of such sale as shall be actually applied thereto,³ nor shall the defendant or defendants, or other persons, in any writ of fieri facias, venditioni exponas or levavi facias be entitled to claim any exemption under a levy and sale of any real estate charged with such tax, against the allowance or payment of the same.⁴ ^{Id. § 12.} ^{Taxes to be liens from date of levy until paid.} ^{Priority of lien.} ^{Lien not to be divested by judicial sale, except as to amount paid out of proceeds.} ^{No exemption to be allowed.}

7. The several city treasurers, hereafter elected in cities of the third class of this commonwealth, by virtue of their office shall be the collectors of all the city, school and poor taxes, assessed or levied in their respective cities, and shall ^{20 June 1901. § 1. P. L. 573.} ^{Collection of city, school and poor taxes.}

¹ The certification of the taxes by the treasurer as unpaid is a condition precedent to the authority of the solicitor to register them as liens. *Reading v. Krause's Estate*, 167 Pa. 23.

² So amended by Act of May 23, 1895, sec. 4, P. L. 122. See, with relation to the indexing of judgments in dockets with *ad sectum* indexes, the Act of June 11, 1879, P. L. 134.

³ See *Harrisburg v. Orth*, 2 Pears. R. 840; *Altoona v. Bazbrenner*, 7 Dist. R. 740; 21 Pa. C. C. R. 339.

⁴ So amended by Act of May 23, 1895, § 5, P. L. 123. See *Altoona v. Calvert*, 7 Dist. R. 739. The similar language of § 20, cl. 33 of the Act of May 23, 1874, held, not to affect the widow's right of exemption under the Act of April 14, 1851. *Allentown's App.*, 109 Pa. 75. As to the lien of taxes and municipal assessments under the more recent statute of June 4, 1901, §§ 2, 3, 4, see title "Municipal Claims," p. 132.

20 June 1901.

Id. § 2.

City treasurer
to be collector.
Oath.

Id. § 3.

When dupli-
cates to be
delivered to
treasurer.To be open
to public in-
spection.

Id. § 4.

Warrants for
collection of
duplicates.By whom war-
rants to be
executed.

Id. § 5.

Treasurer to
appoint deputy
collectors.

perform the duties and be subject to the hereinafter provisions of this act.

8. At the same time the city treasurer enters upon his duties, he shall take and subscribe his oath of office as collector of city, school and poor taxes, which oath shall be filed with the city clerk of the proper city.

9. The several city, school and poor authorities, now empowered or which may be hereafter empowered to levy taxes upon persons and property within the said cities of the third class, shall, on the first day of June in each year, make out and deliver their respective duplicates of taxes assessed to the said city treasurer, as the collector of the said several taxes, which taxes shall be collected by the said city treasurer, by virtue of his office as herein provided, and the said duplicates shall at all times be open to the proper inspection of the taxpayers and of the proper auditing and examining officers, and shall be delivered by the said treasurer at the expiration of his term to his successor in office.

10. The said several duplicates shall be accompanied with the warrants of the proper authorities, directing and authorizing the said city treasurer, as the collector of taxes, to collect the same. The warrant for the collection of any school tax shall be executed by the president of the board of school controllers, attested by the secretary thereof; the warrant for any tax levied by the councils of any of said cities shall be executed by the mayor, and be countersigned by the city controller; and in all other cases the warrant shall be executed by the authority making the tax levy.

11. The city treasurer, as the said collector of taxes, shall have power to appoint as many deputies as shall be necessary to enable him to collect the said taxes or any of them, which deputies shall be paid by the said treasurer and the respec-

12. The said treasurer, as collector of taxes, before entering upon his duties, shall give bond in the usual form to the respective authority levying the tax, in an amount to be by them severally fixed, with corporate or at least two sufficient sureties to be by them approved, conditioned that the said treasurer, as collector of taxes, shall well and truly collect and pay over or account for, according to law, the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office. In the case of city taxes, the said treasurer shall be required to give but one bond, which shall include his duties as city treasurer and as collector of city taxes. All bonds given as aforesaid shall cover the full term of office of the said treasurer; *Provided always*, That should any of the said authorities levying any tax be of opinion, at any time, that the bond given as aforesaid is not sufficient, the said authority may require the said treasurer, as collector, to give additional security, to be approved in manner as aforesaid; but the said collector shall not in any event be required to give bond or bonds aggregating in amount in excess of the tax to be collected by him.

20 June 1901.
§ 6.

Treasurer to
give bond.

Condition
of bond.

To cover term
of office.

13. All persons who shall make payment, on or before the first day of July in each year, of any city, school or poor tax, levied within the respective city of the third class and charged against the said persons in the proper duplicate, shall be entitled to a reduction or abatement of one per centum from the amount thereof. Upon all taxes remaining unpaid on the first day of September of each tax year, three per centum shall be added thereto; and upon the first day of every succeeding month thereafter, there shall be added or charged an additional penalty for non-payment of one per centum, until such taxes are paid, which penalties shall be added to the taxes by the said treasurer, as collector, and be collected by him.

Id. § 7.

Rebate of
taxes for
prompt pay-
ment.

Penalty on
unpaid taxes.

14. The school taxes which shall be collected under the provisions of this act are the school taxes only which are levied by the boards of school controllers, organized and acting under and in pursuance of the act of assembly, entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work in said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, and the supplement to said act, approved the sixteenth day of June, Anno Domini one thousand eight hundred and ninety-one, and are payable to said city treasurer as ex-officio school treasurer under existing laws; and

Id. § 8.

What school
and poor taxes
collectible un-
der this act.

20 June 1901.

the poor taxes collected thereunder, are such poor taxes only as are levied by the proper poor authorities of the respective city.

Id. § 9.

Where treasurer to keep office.

15. The said treasurer, as collector of taxes, shall keep his office in the same place occupied by him as city treasurer, which shall be kept open for the receipt of taxes at all times during business hours. All printing and stationery supplies shall be furnished by the proper authorities, respectively.

Id. § 10.

Treasurer to make sworn returns to city controller and to representative of school board.

16. The said treasurer, as collector of taxes, shall, at least once a month, pay over to himself as city treasurer and school treasurer, or charge himself therewith, all the city, school and poor taxes collected by him; at the same time he shall make a return or report to the city controller, verified by affidavit, showing by whom and upon what properties the real estate city taxes have been paid; and also make a report and return to such officer or representative of the board of school controllers, and to such other authority in said city as shall be entitled thereto, verified as aforesaid, showing by whom and upon what properties the real estate, school and poor taxes have been paid.

Id. § 11.

Entry of satisfaction on duplicates.

When duplicates to be settled.

17. Upon the payment to said treasurer, as said collector, of any taxes assessed against real estate, it shall be his duty to satisfy the real estate taxes thus paid, upon the duplicates in his hands. He shall finally settle with the proper authorities all duplicates of taxes delivered to him, on or before the first Monday of April following the date of the delivery of such duplicates, and pay over the amount charged against him, except such sums as he may be exonerated from collecting by the proper authorities, which exonerations may be made in the manner as heretofore practiced.

Exonerations.

Id. § 12.

Uncollected taxes to be

18. Upon the settlement of the duplicates of city and school taxes and of any poor taxes which by law are made a

for, shall be certified by said treasurer, as collector, to the city ^{20 June 1901} solicitor of the respective city, for filing in court, with the ^{Schedule to be} like force and effect as if certified by the city treasurer under ^{certified to} existing laws. The schedule of unpaid school and poor taxes, ^{city solicitor.} when a lien, shall be certified to such officer or person as is ^{How schedule} now, or shall hereafter be, designated to receive the same for ^{of unpaid} filing as a lien in court; and where no such person is designated, the said schedule may be certified to the solicitor of the ^{school and} authority levying the tax, who may cause the said taxes to be ^{poor taxes to} registered as a lien in court, under existing laws, and the ^{be certified.} certifying of the said schedules by the said treasurer, as a collector, shall in all cases have the like effect as if the same had been certified by the city treasurer, as aforesaid.

19. The final accounts and monthly returns of the said ^{Id. § 13.} treasurer, as collector of taxes, shall be settled by the proper ^{Settlement of} controllers or authorities entitled to examine and audit the ^{treasurer's ac-} same; and said collector shall, in settling his duplicates, state ^{counts and} a separate account for each different tax collected by him. ^{returns.}

20. The compensation or commission to the said treasurer, ^{Id. § 14.} as collector of each particular tax, shall be fixed by the re- ^{Compensation} spective authority levying the tax; *Provided, however,* That ^{of treasurer as} this compensation shall not, in any event, be less than one per ^{collector.} centum on all taxes paid him before any penalty has been incurred, and five per centum on all taxes paid him after the ^{Limit of com-} penalty has been incurred. His compensation for collecting ^{pensation.} city taxes shall be paid by warrant, but he shall have the ^{Retention of} right to retain his commission or compensation from and out ^{commissions.} of the other taxes collected by him.

21. All general acts or parts thereof, inconsistent herewith, ^{Id. § 15.} are hereby repealed, but this act shall not apply to any ^{Repeal.} taxes the collection of which is regulated by a local law.

II. Sale of Lands for City Taxes.

22. In addition to the remedies now provided by law for ^{30 March 1903.} the collection of delinquent city taxes, the city treasurers of ^{§ 1. P. L. 106.} the several cities of the second class and third class of this ^{Sale of lands} commonwealth are hereby authorized and empowered to sell ^{for unpaid city} at public sale, in the manner hereinafter provided, all such ^{taxes.} property upon which the taxes, assessed and levied, have not been paid and have become delinquent.

23. Such sales shall be made on the first Monday in June, ^{Id. § 2.} in the year succeeding the year in which the respective taxes ^{Date of sale.} are assessed and levied, or on any day to which such sale may be adjourned, or on any first Monday of June in any succeeding year.

24. Where the respective treasurer has not already in his ^{Id. § 3.} hands the duplicates of said taxes, or certificates or schedules ^{Schedules of} thereof, it shall be the duty of any receiver or collector of ^{delinquent} taxes, or other person having such delinquent taxes in his ^{taxes to be} ^{certified to} city treasurer.

30 March 1908 hands, to certify to the said city treasurer schedules of all unpaid taxes, with descriptions of the property assessed; and

Property to be advertised. it shall be the duty of the city treasurer to advertise for sale all the lands upon which it appears the taxes have not been paid, as shown by the duplicates in his hands, or by the returns or schedules certified to him, as aforesaid. Said advertisement shall be made, once a week for three successive weeks prior to the day of sale, in at least two newspapers of general circulation, printed and published in the respective city, and, in case two newspapers are not published in said city, then publication shall be made in two newspapers printed and published in the county in which said city is situate; and said treasurer shall also cause to be posted or tacked, in a conspicuous place on each parcel or lot of land advertised for sale, at least ten days prior to the day of sale, a notice stating that said lands will be sold by said treasurer, for delinquent taxes, on a certain day and time, and at a certain place within the city, for which posting of notice he shall receive and tax as costs twenty-five cents for each notice; *Provided*, That no sale shall be valid where the taxes have been paid prior to said advertisement, or where the taxes and costs have been paid after advertisement and before sale; *And provided further*, That the lands sold under this act may be redeemed by the owner, or by any one interested in said lands, at any time within two years after such sale, by the payment to the city treasurer of the full amount which the purchaser paid to said treasurer for taxes and costs, and twenty-five per centum in addition thereto; and when the sale has been made for less than the taxes and costs, the party redeeming shall pay to said treasurer the balance of taxes and costs which were not made by the sale of the said property. In case there are any city taxes, levied either

How advertisement to be made.

Posting of notice on premises.

Taxes paid before sale.

Lands may be redeemed within two years after sale.

Conditions.

for entering the report of the treasurer and acknowledgment of the treasurer's deed, as hereinafter mentioned; and in case said amount is not forthwith paid, after the property is struck down, the sale may be avoided and the property immediately put up again by the said treasurer; *Provided, however,* That this section shall not apply when the lands are purchased by said city.

26. It shall be the duty of the city treasurer, at the first term of a court of common pleas of the proper county succeeding such sale, to make a report and return; wherein he shall set forth a brief description of the land or property sold, the name of the person (where known) in which the same is assessed, the amount of tax, and the year for which the same is assessed, the time when and the newspapers in which the advertisement for sale was made, with a copy of said advertisement, the time of sale, the name of the purchaser, and the price for which each respective property was sold; and upon the presentation of said report or return, if it shall appear to said court that such sale has been regularly conducted, under the provisions of this act, the said report and the sale so made shall be confirmed nisi; in case no objections or exceptions are filed to said sales within ten days, a decree of absolute confirmation may be entered, as of course, by the prothonotary. In case any objections or exceptions are filed, they shall be disposed of according to the practice of said courts; and when the same are overruled or set aside, a decree of absolute confirmation shall be entered, as aforesaid; but all objections or exceptions shall be confined to the regularity of the proceedings of said treasurer.

27. After any sale of property or lands for delinquent taxes has been confirmed by the court, as aforesaid, it shall be the duty of the purchaser or purchasers, where the bid exceeds the taxes and costs as aforesaid, to make and execute to the said treasurer, for the use of the persons entitled, a bond for the surplus money that may remain after satisfying and paying all the taxes and costs, as aforesaid, with warrant of attorney to confess judgment annexed thereto; and it shall be the duty of said treasurer to forthwith file said bond in the office of the prothonotary of the proper county, at the number and term where said report and return is filed; and the surplus bond, filed as aforesaid, from the time of the date of the deed for property thus sold, shall bind as effectually, and in like manner as judgments, the land by said treasurer sold, into whose hands or possession soever they may come; and the owners of said lands at the time of sale, their heirs or assigns, or other legal representatives, may, at any time within five years after such sale, cause judgment to be entered in said court upon said bond, in the name of said treasurer, for the use of said owners, their heirs, assigns or

30 March 1908
Upon non-payment, property may be resold.

Id. § 5.

City treasurer to make return of sale to court.

Contents of return.

Confirmation of report.

Disposition of exceptions to sale.

Id. § 6.

Purchaser to give bond to treasurer for surplus of purchase money.

Bond to be filed in prothonotary's office.

Bond to be lien.

Owner may have judgment entered thereon.

30 March 1908 legal representatives (as the case may be), and in case the moneys mentioned in said bonds, with legal interest thereon from the time it is demanded, be not paid within three months after such entry, execution may forthwith issue for the recovery thereof.

Execution.

Id. § 7.
City treasurer
to execute
deed to pur-
chaser.

Acknowledg-
ment and re-
cording of
deed.

Fee of pro-
thonotary.

Id. § 8.
Proceedings in
case of re-
demption.

On payment of
redemption
moneys, treas-
urer's deed to
be cancelled.

Purchase
money to be
refunded.

Record of re-
demption.

28. When the purchaser has paid the amount of his bid, or such portion thereof as he is required to pay under this act, and has given the surplus bond as above required, it shall be the duty of the city treasurer to make the said purchaser or purchasers his or their heirs or assigns, a deed in fee simple for the lands sold, as aforesaid, and the said deed or deeds to duly acknowledge in the court of common pleas; and such acknowledgment shall be duly entered and recorded by the prothonotary of said court in the treasurer's deed book, and for such service and the entry of the report of said treasurer said prothonotary shall receive the sum of one dollar and fifty cents.

29. Where the owner or other person interested in the land thus sold shall redeem the same, it shall be the duty of the city treasurer to acknowledge the receipt of the redemption moneys, upon the margin of the acknowledgment of the treasurer's deed, as the same is entered and recorded in the prothonotary's office, as aforesaid, and thereafter said deed shall be void and of no effect; and thereupon such owner or person interested, as aforesaid, shall be entitled to have the treasurer's deed delivered up to him, her or them, by the purchaser, for cancellation. And it shall be the duty of the said treasurer to pay to said purchaser all the moneys he had paid at the time of sale, together with the twenty-five per centum penalty thereon; and it shall also be the duty of said treasurer to enter upon the book of sales kept by him, as hereinbefore provided, an acknowledgment or receipt show-

The amount of the purchase money shall equal the amount of the said taxes.¹

22 May 1895.

Proviso.

32. It is hereby made the duty of any officer having taxes for collection against any land advertised to be sold, or of the county commissioners before the taxes have been certified for collection, to give notice to the officers or person selling any such land of the amount of taxes against the same, and the officer selling such land shall pay said taxes out of the proceeds arising from the sale first after payment of the costs of sale.

Id. § 2.

Officers charged with collection of taxes to give notice of amount of tax due.

Taxes to be first paid out of proceeds, after costs.

33. When the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property, except other mortgages, ground rents and purchase money due the commonwealth, and except taxes, municipal claims and assessments not at the date of said mortgage duly entered as a lien in the office of the prothonotary of the proper county, and except taxes, municipal claims and assessments, whose lien though afterwards accruing has by law priority given it, the lien of such mortgage shall not be destroyed or in any wise affected by any judicial or other sale whatsoever, except as hereinafter stated, whether such sale be made by virtue or authority of any order or decree of any orphans' or other court, or of any writ of execution or otherwise, howsoever; *Provided*, That this section shall not apply to cases of mortgages upon unseated lands or sales of the same for taxes.

8 May 1901.
§ 1. P. L. 141.

Priority of lien of mortgages.

Proviso.

34. All acts and parts of acts, general and special, inconsistent with the provisions of this act be and the same are hereby repealed.

Id. § 2.

Repeal.

IV. Collection of Municipal Assessments.

35. All special taxes levied, or assessments made for water frontage tax, light frontage tax, sewerage tax, piping, paving, re-paving, curbing or re-curbing sidewalks, grading, changing grades of, macadamizing or paving any public street, lane or alley, or part thereof, for assessments of damages or benefits, and contributions lawfully imposed for the opening, widening, or vacation thereof, or the changing of water-courses, and for all other purposes except general taxes (the remedies for the collection of which shall be as herein provided), that may be the subject of claim entered in pursuance of this or any other act and the laws and ordinances of any of

23 May 1899.
Art. XV,
§ 20. P. L. 323.

Assessments for cost of municipal improvements to be paid as provided by ordinance.

¹ This act did not give a lien for taxes on real estate; it applies only to such taxes as are made liens by other acts, which it directs to be first paid out of the proceeds of judicial sales. *Snyder v. Morgart*, 5 Dist. R. 146; *United Security Life Ins. Co. v. Dougherty*, Id. 521; *Thourer's App.*, 5 Super. Ct. R. 225; *Provident Building, etc., Assn. v. Flanagan*, 6 Dist. R. 489; *Strassburger v. Guinter*, 23 Pa. C. C. R. 481. The Act of June 2, 1881, P. L. 45, "to make taxes assessed upon real estate a first lien, and

to provide for the collection of such taxes and a remedy for false returns," is unconstitutional because excepting from its provisions cities of the first, second and fourth classes, and being therefore a local law within the prohibition of special legislation. *Van Loon v. Engle*, 171 Pa. 157. The Act of April 30, 1885, P. L. 11, relative to assessment and collection of taxes in cities of the third, fourth and fifth classes was an option act, and therefore presumably unconstitutional.

23 May 1889. said cities, shall be paid within such time as councils may provide by ordinance, and if not so paid five per centum penalty shall be added thereto, and such claim shall also bear interest at such rate per centum as may be fixed by ordinance, not exceeding six per centum.¹

Art. XV.
Penalty and interest.

Id. § 21.
Assessments to be lien for six months without filing of specification.

Fee of prothonotary for entering lien.

Sufficiency of specification.

To be lien for ten years from date of entry.

Amendment.

Priority of lien.

36. Such taxes and assessments shall be and remain first liens on the respective pieces of land fronting on the streets in which the improvement is made, or on the land assessed for such improvement or benefits, as the case may be, from the commencement of the improvement for which the assessments were made until six months after the completion of the work, and no longer, unless a specification of lien be filed in the prothonotary's office of the county in which the city is located, in the city lien docket, within said period. The prothonotary shall be allowed a fee of twenty-five cents for filing and entering a lien under the provisions of this act, to be taxed as part of the costs in the case. Such specification of lien shall be deemed sufficient if it designates the date and amount of assessment, the land assessed and the name of the owner or reputed owner, and shall have the effect of extending such lien for a period of ten years from the date of entry, and shall be amendable at or before trial in such manner as will meet the facts and merits of the case; and said lien shall have priority to, and shall be fully paid and satisfied before any other lien or incumbrance of whatsoever kind or nature with which the land assessed may become charged, and shall not be divested by any judicial sale except as to such portion of the proceeds of the sale as may actually be applied for the payment of such lien.²

¹ The section amended as above by Act of May 16, 1901, § 32, P. L. 248.

² See *Morris v. Hainer*, 16 Pa. C. C. R. 468; 4 Dist. R. 635; *Altoona v. Ensbren-*

Scranton v. Robertson, 28 Super. Ct. R. 55. This section is supplied in part by the Act of June 4, 1901, P. L. 364; title "Municipal Claims," *ante*.

granted, for the purpose of constructing, maintaining and ^{1 May 1876.} leasing lines of telegraph for the private use of individuals, firms, corporations, municipal and otherwise, for general business, and for police, fire-alarm or messenger business, or for the transaction of any business in which electricity over ^{Incorporation of telegraph, telephone, etc., companies, under general corporation Act of 1874.} or through wires may be applied to any useful purpose.¹

2. The business of such corporation may be wholly within ^{Id. § 2.} or partly within and partly without the limits of any city, borough or township in this state, or partly in any other state or states. ^{Location of business.}

3. I. Such corporation shall be authorized, when incorporated as hereinbefore provided, to construct lines of telegraph and telephone along, under and upon any of the public roads, streets, lanes or highways, across or under any of the waters within the limits of this state, by the construction of the necessary fixtures, including wires, cables, posts, piers, abutments or subways, subject to the reasonable regulations of the municipalities through which it passes, but the same shall not be so constructed as to incommode the public use of said roads, streets, lanes or highways,² or injuriously interrupt the navigation of said waters; and this act shall not be so construed as to authorize the construction of a bridge across any of the waters of this state.³ ^{29 April 1874. § 33. P. L. 92. Powers of such companies to occupy streets and highways. Fixtures not to interfere with public use thereof.}

4. Before the exercise of any of the powers given under this act, application shall be first made to the municipal authorities of the city, town or borough in which it is proposed to exercise said powers, for permission to erect poles, or run wires on the same, or over or under any of the streets, lanes or alleys of said city, town or borough, which permission shall be given by ordinance only, and may impose such conditions and regulations as the municipal authorities may deem necessary.⁴ ^{1 May 1876. § 4. P. L. 90. Permission to erect poles or wires to be obtained from municipal authorities, subject to necessary regulations.}

¹ This act sufficiently expresses its purpose to incorporate telephone companies, since the latter are virtually telegraph companies. A telephone company is regarded as a telegraph company within the meaning of the corporation statutes of Pennsylvania; is a quasi public corporation and there is therefore no reason forbidding its exercise of the right of eminent domain. *York Telephone Co. v. Keeseey*, 5 Dist. R. 366. See, also, *Central Penna. Telephone Co. v. Wilkesbarre, etc., Railway Co.*, 1 Id. 628; *Commonwealth v. Penna. Telegraph Co.*, 18 Phila. R. 588; *People's Telephone, etc., Co. v. Berks & Dauphin Turnpike Road*, 199 Pa. 411.

² The erection of a telephone pole in front of the doors or windows of a building will be restrained by injunction when it appears that it could be placed a few feet distant without impairing its efficiency. *Russ v. Penna. Telephone Co.*, 3 Dist. R. 654.

³ This clause amended as above by the Act of April 22, 1905, P. L. 294.

⁴ So amended by Act of June 25, 1885, P. L. 164. A city has the right in the exercise of its police power to supervise

and control the erection and maintenance of telegraph poles and wires within its limits, and to impose a reasonable license tax on each pole; such a tax is not a restriction of interstate commerce. *Allentown v. Western Union Telegraph Co.*, 148 Pa. 117; *Chester v. Phila., Reading and Pottsville Telegraph Co.*, Id. 120; *McKeesport v. Passenger Railway Co.*, 2 Super. Ct. R. 242; *Harrisburg v. Penna. Telephone Co.*, 3 Dist. R. 815. See *infra*, 5 as to determination of disputes regarding the amount of the license fee. It is the imperative duty of a municipality to exercise a rigid inspection of and scrutiny over the proper erection and adjustment of poles and wires permitted on its streets for electrical service. *McKeesport v. Passenger Railway Co.*, *supra*; *Mooney v. Luzerne Borough*, 186 Pa. 161. See, also, as to extent of municipal control, *Commonwealth v. Warwick*, 185 Pa. 623; *New Castle v. Central Dist., etc., Co.*, 207 Id. 371; *Keystone State Telephone Co. v. Ridley Park Boro.*, 28 Super. Ct. R. 635; *W. Conshohocken v. Electric Co.*, 29 Id. 7; *Telephone Co.'s Petition*, 31 Pa. C. C. R. 481.

17 April 1905.
§ 1. P. L. 183.

Determination
of disputes re-
garding license
fees of tele-
graph, tele-
phone, etc.,
companies.

Petition to
court of com-
mon pleas.

Citation.

Answer.

Hearing and
decision.

Id. § 2.

5. Whenever hereafter any dispute shall arise between any township, city, borough, or other municipal corporation of this state, having authority under the law to charge a license fee against any telegraph, telephone, or light, or power company, occupying the highways of said municipality with its poles, wires, conduits or cables, as to whether or not the amount of license fee named in any ordinance of said municipal corporation, for the inspection and regulation of the said poles, wires, conduits, or cables under its police powers, is or is not reasonable, either party may apply by petition to the court of common pleas of the county where said municipal corporation is situated, to determine the said dispute. Upon the filing of said petition, setting forth the nature and character of the dispute, and the facts bearing upon the question thus raised, the said court shall issue a citation to the respondent, commanding it to appear and answer the said petition at a time named, and to abide by and obey the order of the court. Said citation and a copy of said petition shall be served upon the respondent, not less than fifteen days before the time fixed for answering. To said petition the respondent shall make answer, within the time fixed or such extension thereof as the court shall allow, specifically answering the facts set forth in said petition, and averring such other or further facts as it shall deem necessary for the proper determination of the said dispute. At any time after the return day fixed in the said citation, the said court shall, upon application of either party, fix a date for the hearing of the issue raised by said petition and answer; and thereupon shall take the evidence, and decide the said dispute in the way and manner provided by law for the hearing of cases in equity.

6. Said court shall have power to allow any pleading to

9. The amount of such annual license fees, as determined ^{17 April 1906.} ^{§ 5.} by the final order of the court, shall continue until altered by the court itself; but no application shall be made for that purpose oftener than once in every two years. ^{Limitation of applications.}

10. Nothing in this act contained shall be so construed ^{Id. § 6.} as to alter or affect the duty of said telegraph, telephone, ^{Duties and liabilities of corporation to remain unaffected.} light, or power company to properly erect, or construct and maintain, its poles, wires, conduits, and cables, or to relieve it from liability for negligence in regard thereto either primarily to the person injured, or secondarily to the municipal corporation, if judgment be recovered against it by the person injured by reason of such negligence.

11. It shall and may be lawful for corporations, for what ^{19 March 1908.} ^{§ 1. P. L. 84.} purpose soever formed, and lawfully using electrical current, within this commonwealth, to enter into contracts with each other for use of the same poles, wires and conduits, or for the purchase and sale of electrical current, or for the lease and operation of each others' systems, upon such terms and conditions as they may agree upon; *Provided*, That nothing in this act contained shall be construed to give to any company any rights to erect or maintain poles, wires or conduits upon any street or road not already so occupied; unless the consent of the local authorities shall have been first obtained. ^{Corporations using electrical current may contract with each other for mutual use of systems.} ^{Proviso.}

12. Whenever any wire or cable used for any telegraph, ^{19 April 1888.} ^{§ 1. P. L. 18.} telephone, electric light or other wire or cable for electric purposes, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatsoever shall raise a presumption, or justify a prescription of any perpetual right to such attachment or extension. ^{No prescriptive right to be acquired.}

13. From and after the passage of this act it shall be lawful, whenever any telegraph, telephone or electric light company shall have erected its poles and lines along any turnpike, public road, street, lane, alley or highway in this commonwealth, for the owner or owners of land adjoining said turnpike or public road who may claim to be damaged by the erection or maintenance of said lines by reason of the cutting of trees, whether planted in the said turnpike, public road, street, lane, alley or highway, or on inclosed or uninclosed land adjoining the same, to petition the court of common pleas of the county in which said damage shall be alleged to have been committed, whereupon the said court shall appoint three impartial men, citizens of the county in which said damages shall be alleged, as viewers, who shall, after having been duly sworn or affirmed to the faithful performance of their duties, assess the damages done, if any, to the petitioner, and shall report the same to the said court at the first week of the next regular term thereof after the said appointment, which report shall, upon its presentation as aforesaid, be confirmed nisi; and if no appeal be entered ^{2 June 1891.} ^{§ 1. P. L. 170.} ^{Liability of company for damage to trees along public highway.} ^{Land owner may petition to court.} ^{Viewers to be appointed.} ^{Report of viewers.}

2 June 1891.

When judgment to be entered on award.

Id. § 2.

Compensation of viewers.

Act not to apply to police or fire-alarm telegraph.

to the same on or before ten days from the Saturday of the week in which the same is presented, it shall then be confirmed absolutely and judgment entered by the prothonotary of the said court upon the same, against the said company. 14. The compensation of the viewers provided for by the first section of this act shall be the same as is now provided for road viewers, and shall be paid by the defendant company where damages are awarded, otherwise by the petitioner; *Provided*, That the provisions of this act shall not apply to the police patrol or fire department telegraph lines.¹

¹ As to scope and application of this act, see *Marshall v. American Telegraph and Telephone Co.*, 16 Super. Ct. R. 615; *Lewistown Borough v. Juniata and Susquehanna Telephone Co.*, 10 Dist. R. 562. The Act of March 8, 1905, P. L. 33, pro-

hibits the stealing, or cutting, or breaking with intent to steal, the wires of any corporation engaged in transmitting electricity, and prescribes the punishment therefor.

Terms of Municipal Officers.

1. Terms of municipal officers regulated. To begin on first Monday of April. Elections.

2. Organization of legislative departments. Inauguration of mayors.

10 March 1875.
§ 1. P. L. 6.

Terms of municipal officers regulated.

To begin on first Monday of April.

Elections.

1. All members of councils, and all other city, ward, borough and township¹ officers, excepting school directors, to be elected on the third Tuesday of February next, or in any year thereafter, whose term of office would, under existing laws, expire prior to the first Monday of April, shall continue in office from the date at which said term would otherwise expire until the first Monday of April next ensuing thereafter; and the terms of their successors shall begin on the first Monday of April, and shall continue for the period now fixed for the duration thereof by existing laws in each particular case; and hereafter all elections for officers which will be vac-

Theatres.

1. Tickets of admission not to be sold on the streets or highways.
2. Penalty for such offence.
3. Certain dangerous exhibitions prohibited. Penalty.

4. Public exhibition of physical or mental deformities, prohibited. Penalty.
5. Employment of children under eighteen for theatrical, etc., performances, without consent of parents or guardians, to be misdemeanor. Penalty.

1. It shall not be lawful for any person or persons to sell, ^{18 June 1883.} ^{§ 1. P. L. 86.} barter or exchange, or offer for sale, barter or exchange, upon the public streets or highways, or in front of any theatre or place of amusement and entertainment, tickets of admission to such theatre or place of amusement and entertainment. ^{Tickets of admission not to be sold on the streets or highways.}

2. Any person or persons violating the provisions of this act of assembly shall be deemed guilty of a misdemeanor, ^{Id. § 2.} and, on conviction, shall be punished by a fine of fifty dollars ^{Penalty for such offence.} and imprisonment not exceeding three months, or either, or both, for every such offence.

3. From and after the passage of this act it shall not be ^{1 June 1883.} ^{§ 1. P. L. 87.} lawful for the proprietor of any public place of amusement or resort to perform or have exhibited the shooting of a person from a catapult or other machine, the throwing of knives at a performer, or the shooting at a target held by or placed on the head or near the performer or exhibitor, performing on a trapeze, without a strong netting below the performer, or any other feat or performance that is extra hazardous and jeopardizes the life or lives of any person or persons. Any ^{Penalty.} person violating this act shall be guilty of a misdemeanor, and on conviction shall pay a fine of five hundred dollars, or imprisonment, one or both, at the discretion of the court.¹

4. On and after the passage of this act it shall be unlaw- ^{25 June 1886.} ^{§ 1. P. L. 291.} ful for any person to exhibit in any public hall, museum, theatre, or any other building, tent, booth or public place, for a pecuniary consideration or reward, any insane, idiotic or deformed person, or any imbecile, and whoever shall exhibit such mental or physical deformity shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to ^{Public exhibition of physical or mental deformities, prohibited.} pay a fine not exceeding one thousand dollars, or suffer imprisonment not exceeding six months, or both, or either, in the discretion of the court. ^{Penalty.}

5. Any person, association, agency or corporation who ^{18 May 1901.} ^{§ 1. P. L. 220.} shall take, receive, hire, employ, use, or have in custody, any child under the age of eighteen years, or who shall endeavor to secure by advertisement or otherwise any such minor child ^{Employment of children under eighteen for theatrical, etc., performances, without consent of parents or guardians, to be misdemeanor.} for the vocation, occupation, calling, service or purpose of taking part in any theatrical performance, or athletic exhibition, or of singing, or of playing upon musical instruments without the consent of the parents or legally appointed guard-

¹The Act of April 11, 1903, P. L. 166, makes it a penal offence to promote or participate in any athletic contest or exhibition in which the contestants shall take part for more than twelve hours in

each calendar day. This law seems to be directed more particularly to the restraining of over strenuous modern pedestrian and bicycle performances.

16 May 1901. ians of such child having been first obtained, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars and not more than one hundred dollars. And upon second conviction, shall be imprisoned not less than one year and not more than three years.¹

Penalty.

¹ The Act of July 9, 1881, P. L. 162, prohibits the granting of a license to sell liquors to the proprietors, lessees, keepers or managers of any theatre, circus, museum or other place of amusement, or to any other establishment having passage to or communicating therewith. See *Martiz's License*, 12 Super. Ct. R. 521. The Act of June 24, 1895, P. L. 249, fixes the amount of the state license to be paid by theatres, museums, circuses, menageries, etc., in cities, boroughs and townships, respectively, the same to be collected by the county treasurer. Section 3 prescribes that the provisions of the act

shall not exempt any theatrical or operatic company, or circus or menagerie, or museum, from the payment of such taxes as may be imposed upon them by any city or borough in this commonwealth, in accordance with any ordinance duly enacted in relation thereto. This act is an amendment and codification of all the acts in force at the time of its passage relating to licenses for places of amusement. *Oellers v. Ritter*, 18 Pa. C. C. R. 73; 5 Dist. R. 149; 3 Super. Ct. R. 537, which see for a history of legislation upon the subject.

Topographical Surbey.

1. Topographical survey of city, how to be made.

2. Duties of engineer regarding construction of plan. Grades of proposed new streets. Plan to be made and returned to councils. To be filed with city clerk.

3. Councils to give notice of hearing of objections. On final approval, plan to be recorded. City to be liable in damages for

deviation from plan in regulations of streets.

4. Plans may be executed and confirmed in sections.

5. No damages to be recoverable by owner building within line of street. Proceedings for opening, etc., of streets under survey to be governed by this act.

23 May 1889.
Art. XVII.,
§ 1. P. L. 329.

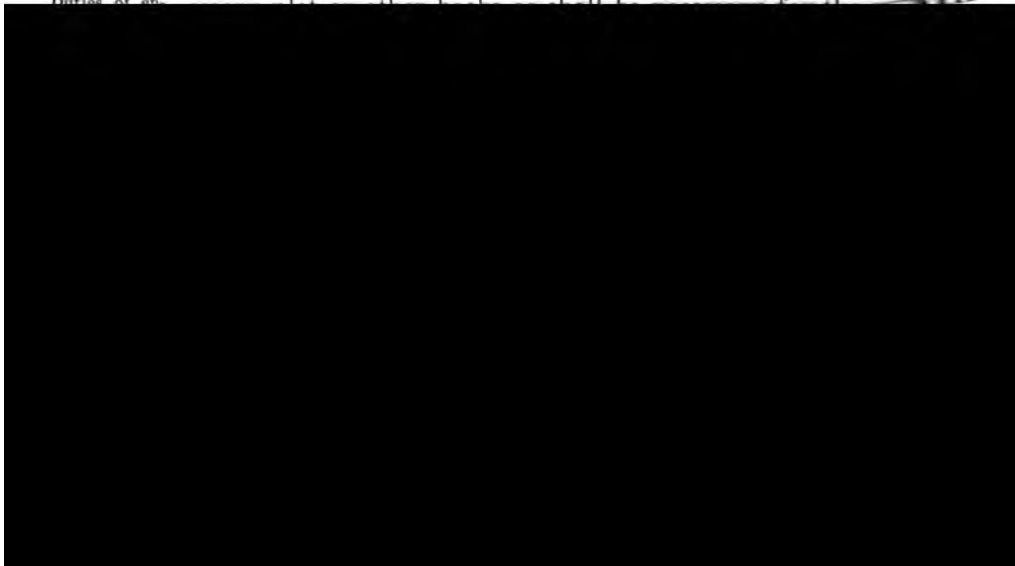
Topographical
survey of city,
how to be
made.

Id. § 2.

Duties of en-

1. Any city of the third class shall have power by ordinance to cause a topographical survey thereof to be made by their duly appointed city engineer, or by such other civil engineer and assistants as they may employ for that purpose.¹

2. It shall be the duty of said engineer, upon being duly authorized thereto, to procure and keep in his office such



necessary for a full understanding of the same, distinctly designating where the new streets, avenues and highways shall thereafter be opened, and shall return the same to the councils; and it shall remain in the office of the city clerk, and open to inspection by those interested, until finally approved as hereinafter provided.¹

28 May 1880,
Art. XVII.,

Plan to be
made and re-
turned to
councils.

To be filed
with city
clerk.

3. It shall be the duty of the said councils to give at least thirty days' previous notice, in at least two of the public newspapers published in said city (if so many be published therein), and by posting at least ten hand bills upon the lands or territory contained in the map or plan returned for approval, that on a certain day or days to be fixed by the said councils, the said councils in joint session will hear any objections that may be made to said draft or plan by any freeholder or citizen of said city or interested person; and the councils at the time appointed, or at any subsequent time within three months, shall determine whether any and what alterations shall be made in the said plan or draft; and when the same is finally approved, whether as returned or as altered and changed, said councils may direct that the same be entered and recorded in the plot book of street plans in the office of the city engineer. In case the city engineer is directed to report grades for said streets, avenues or highways, the same shall be noted on said draft or plan and be returned with his surveys; and said grades shall be subject to alterations and changes by councils in the manner aforesaid, and when approved by the said councils shall become part of the plans and be entered and recorded as aforesaid. Upon the recording of said plan or draft in the street plan book, and the passage of an ordinance approving said street drafts or plans and grades (or of either as the case may be), therein designating the book and page or pages at or in which the said plan or plans are recorded, thereafter all the streets, avenues and highways, as designated upon said approved plan and recorded as aforesaid, shall be adjudged and taken to be laid out and located public highways; and in case the city councils shall thereafter change or alter, or should they by themselves or their officers deviate from the regulations of the streets, avenues or highways, so as aforesaid established, and damages thereby accrue to the property of any person or persons in consequence thereof, the said city shall be liable for the payment of such damages. Sectional surveys or drafts may be returned to the said councils by said engineer at any time and be confirmed as aforesaid, and with like force and effect.

Id. § 3.

Councils to
give notice of
hearing of
objections.

On final ap-
proval, plan
to be re-
corded.

City to be
liable in dam-
ages for devia-
tion from plan
in regulations
of streets.

¹ This and the next succeeding section amended as here published by Act of May 16, 1901, §§ 37, 38, P. L. 256-257.

23 May 1880.
Art. XVII.
§ 4.

Plans may be
executed and
confirmed in
sections.

Id. § 5.

No damages to
be recoverable
by owner
building with-
in line of
street.

Proceedings for
opening, etc.,
of streets un-
der survey to
be governed
by this act.

4. The said engineer may, from time to time, as he shall deem expedient, and the said councils shall direct, make report of the surveys, plans and regulations by him made, in convenient sections, without awaiting the completion of the entire survey, and shall make duplicate drafts and plans of said sections in the manner hereinbefore prescribed, and the same proceedings shall be had for the final confirmation of such partial or sectional drafts and plans as is herein directed in relation to the confirmation of the entire survey, and with the like force and effect.

5. If any owner or owners of real estate, or other persons, shall erect or construct any house or other building within the line of any street, avenue or highway, as surveyed and marked on the draft or plan aforesaid, or upon any section thereof, after the final confirmation of the same, such owner or person shall not be entitled to claim or recover any damages which may be caused by the removal of such house or building, for the opening or widening of any such street, avenue or highway.¹ All proceedings for the opening, widening, grading or otherwise improving any of the public streets, avenues or highways, so as aforesaid surveyed, established and confirmed, and the payment of damages or contributions therefor, shall be regulated and governed by the provisions of this act.²

¹ In *Shaaber v. Reading*, 150 Pa. 402, held that damages are not recoverable under such circumstances for the termination of a leasehold interest. See Act of May 16, 1891, sec. 12, P. L. 80, relative to forfeiture of right to recover damages where building is erected on line of street, after confirmation of plan; also *Bush v. McKeesport*, 108 Pa. 57.

² See *Opening of Spring Street*, 12 Pa. 258, and *Shaaber v. Reading*, 133 Pa. 643, as to the applicability of the Act of May 23, 1874, to proceedings for opening of streets under local acts antedating it, vesting the jurisdiction in the court of quarter sessions.

Traction Motor Companies.

1. Incorporation of traction motor companies. Power to operate passenger railway lines. Operation to be subject to municipal regulations. Consent of municipal authorities to be obtained. Existing corporations to file stipulation not to occupy streets without municipal consent.

2. Corporate powers. To lease and operate passenger railways.

3. Street passenger railway companies may lease or sell their lines to traction motor companies. Or contract for construction of traction apparatus. Or make contracts for operation of lines by traction motor companies. Steam power not to be

used. Consent of municipal authorities required for occupation of streets by traction motor companies.

4. Traction motor companies authorized to sell or lease their lines to other companies. Or make contracts for operation of their lines. Proviso.

5. Traction motor or street railway companies may operate different lines as general system. New routes may be laid out and operated. Not to occupy tracks of street car lines without consent of companies. Term to be limited by existing lease.

1. Corporations may be formed in the manner hereinafter mentioned, by the voluntary association of five or more persons, for the construction and operation of motors and cables or other machinery for supplying motive power to passenger railways and the necessary apparatus for applying the same; and such corporations shall have the power to enter upon any street upon which a passenger railway now is, or may hereafter be constructed, with the consent of said passenger railway company, and make, construct, maintain and operate thereon such motors, cables, electrical or other appliances, and the necessary and convenient apparatus and mechanical fixtures as will provide for the traction of the cars of such passenger railway,¹ and to enter into contracts with passenger railway companies to construct and operate motors, cables or other appliances necessary for the traction of their cars; *Provided*, Any such construction and operation shall be subject to such reasonable regulations for the protection of public travel on any street so occupied as shall be required by any borough, town or city in which the same may be located, by ordinance duly enacted; *And provided further*, That no company which may hereafter be incorporated under this act shall enter upon any street for the purpose of constructing thereon or therein any such motors, cables or other appliances until after the consent to such entry of the councils of the borough, town or city in which said street may be located shall have been obtained, and that no company heretofore incorporated shall be permitted to avail itself of the provisions of the ninth section of this act until after it shall have filed in the office of the secretary of the commonwealth its stipulation, duly sealed and attested, binding it not to enter for the purpose aforesaid upon any street not theretofore occupied by it with such motors, cables or other appliances without such consent to such entry of the councils of the borough, town or city in which said street may be located.

2. When so formed, each of such corporations, by virtue of its existence, shall have the following powers: * * * * *

¹ The right of making repairs to a trolley railway and of occupying the streets for that purpose is incident to the right

to maintain the line. *Potter v. Scranton Traction Co.*, 176 Pa. 271.

22 March 1887.
§ 1. P. L. &

Incorporation
of traction
motor com-
panies.

Power to
operate pas-
senger rail-
way lines.

Operation to
be subject to
municipal
regulations.

Consent of mu-
nicipal authori-
ties to be ob-
tained.

Existing cor-
porations to
file stipulation
not to occupy
streets without
municipal
consent.

Corporate
powers.

22 March 1887.

To lease and
operate passen-
ger railways.

15 May 1896.

§ 1. P. L. 68.

Street passen-
ger railway
companies may
lease or sell
their lines to
traction motor
companies.

Or contract
for construc-
tion of traction
apparatus.

Or make con-
tracts for
operation of
lines by trac-
tion motor
companies.

Steam power
not to be used.

Eighth. To lease the property and franchises of passenger railway companies which they may desire to operate, and to operate said railways.¹

3. Any street passenger railway company heretofore, or which may hereafter be incorporated in this commonwealth, under general or special laws, whose line or lines are not on township or country roads, is hereby authorized to sell or to lease, or to lease and to sell its property and franchises to any traction or motor power company incorporated under the laws of this commonwealth, not operating a line or lines of railway on township or country roads, upon such terms as shall be agreed upon. Any such railway company may also contract with any such traction or motor power company or companies for the construction upon and along its line of railway, and that of any companies operated or controlled by it, whose line or lines are not on township or country roads, of motors, cables, electric or other apparatus and appliances, and for the payment of the price thereof by bonds to such extent as may not exceed its issued full paid capital stock, secured, if it shall be deemed advisable, by mortgages of its franchises and property. Contracts may also be entered into between such companies for the operation of the lines of railway of such railway companies by such traction or motor power companies as operators, lessees or otherwise, by means of cables, electric and other appliances and fixtures, and also by means of any motive power which could lawfully be used upon the line owned, leased or operated by said railway company; *Provided*, That nothing herein contained shall be construed as permitting the propulsion of cars along the line of any street passenger railway by means of steam; *And provided further*, That no traction or motor power company shall enter upon any of the streets or highways of any

agreed upon. Such traction or motor power company may ^{15 May 1895.} also enter into contracts with other traction or motor power ^{Or make con-} companies incorporated under the laws of this commonwealth ^{tracts for} for the operation of lines of railway and property owned, ^{operation of} leased, operated or controlled by it; *Provided*, That nothing ^{Proviso.} herein contained shall be construed as authorizing any traction or motor power company to acquire, lease or operate so much of the line of any other motor power company as occupies any township, borough or county road.

5. From and after the passage of this act it shall be law- ^{15 May 1895.} ful for any traction or motor power company, or street pas- ^{§ 1. P. L. 65.} senger railway company, owning, leasing, controlling or oper- ^{Traction, motor or street} ating different lines of street railways of different companies, ^{railway com-} to operate as a general system so much of said different lines ^{panies may} as occupy streets, and from time to time to lay out such new ^{operate dif-} routes or circuits over the whole or any part of such street ^{ferent lines as} or streets occupied by the tracks of the different companies ^{general system.} which it thus owns, leases, controls, or operates, and upon ^{New routes} such routes or circuits to run cars for such distances and in ^{may be laid} such directions as will in the opinion of the operating com- ^{out and} pany best accommodate public travel; *Provided*, That noth- ^{operated.} ing in this act contained shall be construed to give any trac- ^{Not to occupy} tion or motor power company, or street passenger railway ^{tracks of street} company, any authority to run its cars upon the tracks of any ^{car lines with-} street passenger railway company not owned, leased, con- ^{out consent of} trolled or operated by it without the consent of such com- ^{companies.} pany, or the consent of the traction or motor power company owning, leasing, controlling or operating such company;¹ *Provided, however*, That such consent by any traction Or ^{Term to be} motor power company leasing, controlling or operating such ^{limited by ex-} street passenger railway company shall not be given for any ^{isting lease.} longer term than is covered by the agreement for such lease, control or operation.

¹ As to right of traction companies to cross steam railroads at grade, see *Trac-*
tion Co. v. Canal Co., 1 Super. Ct. R. 409.

Tramps.

[See VAGRANTS.]

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| 1. Definition of tramp. Punishment. | 3. Prima facie evidence. |
| When to be discharged. | 4. Arrest of offenders. |
| 2. Penalty for certain offences committed by tramps. | 5. To whom act not applicable. |

1. Any person going about from place to place begging, ^{30 April 1879.} asking or subsisting upon charity, and for the purpose of ac- ^{§ 1. P. L. 83.} quiring money or a living, and who shall have no fixed place ^{Definition of} of residence, or lawful occupation in the county or city in ^{tramp.} which he shall be arrested,¹ shall be taken and deemed to be

¹ One having a fixed place of residence within the county, though guilty of occasional acts of beggary and vagrancy elsewhere within the same county, cannot be

held as a tramp within the meaning of this section. *Commonwealth v. Gill*, 7 W. N. C. 557.

80 April 1870.

Punishment.

When to be
discharged.

Id. § 2.

Penalty for
certain offences
committed by
tramps.

Id. § 3.

Prima facie
evidence.

Id. § 4.

a tramp, and guilty of a misdemeanor, and on conviction shall be sentenced to undergo an imprisonment, by separate and solitary confinement at labor in the county jail or work-house, for not more than twelve months, in the discretion of the court; *Provided*, That if any person so arrested can prove by satisfactory evidence that he does not make a practice of going about begging or subsisting upon alms, for the purpose aforesaid, in the manner above set forth, he shall not be deemed guilty of the offense hereinbefore described, and upon such proof shall be discharged from arrest, either by the magistrate before whom he is committed, or by the court upon hearing of the case upon writ of habeas corpus.

2. Any tramp who shall enter any dwelling house against the will, or without the permission of the owner or occupant thereof, or shall kindle any fire in the highway, or on the land of another without the owner's consent, or shall be found carrying any fire-arms, or other dangerous weapon, with intent unlawfully to do injury to, or intimidate any other person, which intent may be inferred by the jury trying the case from the facts that the defendant is a tramp and so armed, or shall do, or threaten to do, any injury not amounting to a felony to any person, or to the real or personal estate of another, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be sentenced to undergo an imprisonment by separate or solitary confinement at labor for a period not exceeding three years.

3. Any act of beggary or vagrancy by any person described by the first section of this act shall be prima facie evidence that the person committing the same is a tramp within the meaning of this act, subject to the proviso contained in section one of this act.

4. Any person upon view of any offense described in this act may apprehend the offender, and take him before a judge

Treasurer.

[See TAXES.]

1. Election of city treasurer. Term. Qualifications. Bond. Salary.
 2. Duties of city treasurer. How accounts to be kept. No moneys to be paid except upon appropriation and warrant. Councils to designate financial depositories. Verification of cash accounts. Suspension pending investigation.

3. Payments to be made on appropriation and warrant. Creation of debt by municipal department.
 4. Delivery of records, etc., at end of official term. Vacancy in office of treasurer. Term of successor.

1. The treasurer of each of said cities of the third class²³ May 1899, shall be elected by the qualified voters at the municipal elec- § 1. P. L. 801. tion, and shall hold his office for the term of three years and Election of city treasurer. until his successor is duly elected and qualified. The city Term. treasurer shall be a competent accountant, and shall have Qualifications. been a resident of the city and an elector thereof for at least three years previous to his election. He shall give a lawful bond to the city, with two or more sufficient sureties, or with Bond. a surety or other company authorized by law to act as surety, to be approved by councils, in such sum as they may by ordinance direct, conditioned for the honest and faithful discharge of his official duties, and the safe keeping and payment over of all public moneys entrusted to his care.¹ He shall receive a fixed annual salary, to be provided by ordinance.³ Salary.

2. The city treasurer shall demand and receive all moneys payable to the city from whatever source, and shall pay all Id. § 2. warrants duly countersigned by the city controller. His ac- Duties of city treasurer. counts shall be kept in such manner as to clearly exhibit all the items of receipts and expenditures of the city, the sources from whence the moneys are received, and the objects for which the same are disbursed, and he shall keep separate and distinct accounts of the receipts and expenditures of the city, How accounts to be kept. the sinking fund, and the water and lighting department, respectively, and also of every special fund which may come into his hands.² No money shall be paid out of the city treasury unless the same shall have been previously appropriated No moneys to be paid except upon appropriation and warrant.

¹ The sureties of the treasurer are not liable for a loss occurring by reason of an extra official act or undertaking of their principal, unless they assented to the action which made the loss possible. *Wilkesbarre v. Rockafellow et al.*, 171 Pa. 177.

² The section amended as above by Act of May 16, 1901, § 23, P. L. 241. As to the right of the city treasurer to independent compensation by the school district where he acts as treasurer of such district under the Municipal Act of May 23, 1874, see *Scranton S. D. v. Simpson*, 133 Pa. 202; *McCauley v. Easton S. D.*, Id. 493.

³ See the Act of May 24, 1893, P. L. 125, providing for monthly returns and payments by county and city officers of moneys received by them for the use of the commonwealth. As to the mode of settlement with the state officials by city treasurers, see *Commonwealth v. City of Chester*, 123 Pa. 626. In the collection of the state tax on city loans the city treasurer is the agent of the city and not of the commonwealth, and until the tax is paid to the state treasurer the city is liable for the loss of it occasioned by the misconduct of the city treasurer. *Commonwealth v. Philadelphia*, 157 Id. 558.

May 1889.
Art. VIII.
Councils to designate financial depositories.

Verification of cash accounts.

Suspension pending investigation.

23 May 1889.
Art. IV., § 7.
P. L. 283.

Payments to be made on appropriation and warrant.

23 May 1889.
Art. VIII.
§ 3. P. L. 302.

Delivery of records, etc., at end of official term.

Vacancy in office of treasurer.

Term of successor.

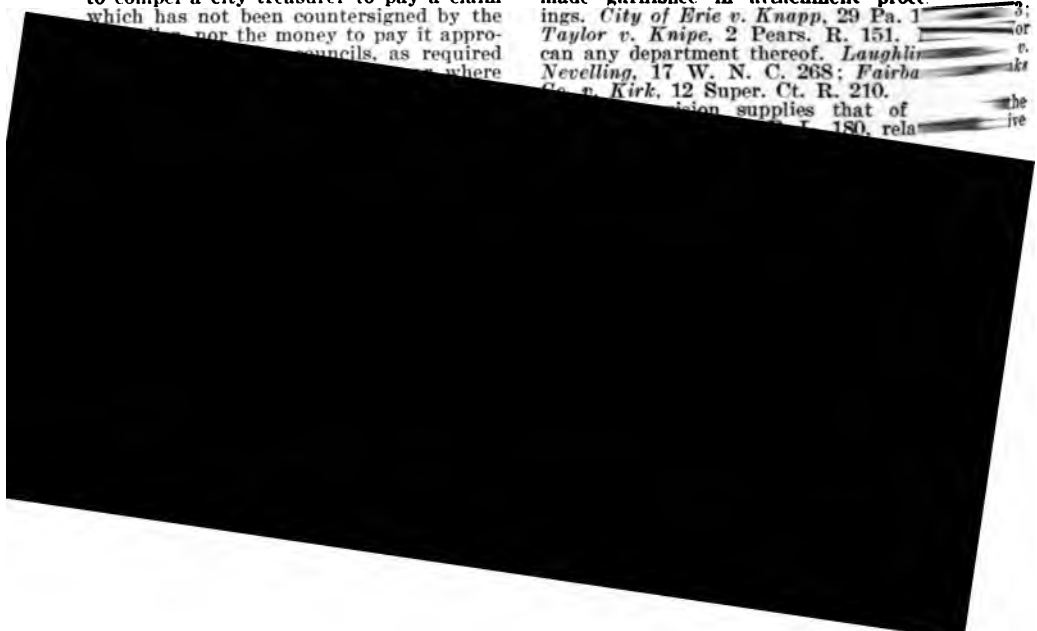
by councils to the purpose for which it is to be drawn.¹ which shall be explicitly mentioned in the warrant therefor. The treasurer shall keep the public funds in such banks or financial depositories as councils may direct, and shall verify his cash accounts monthly, or whenever required, to the satisfaction of a standing committee of councils and the city controller, and upon the affidavit of a majority of such committee or of the controller, to any default therein, he may be suspended from office and another treasurer appointed, as councils may determine.

3. No money shall be paid out of the city treasury except upon appropriations made according to law, and on warrants drawn by the proper officer in pursuance thereof,² and no municipal department shall create any debt or make any contract except in pursuance of previous authority of law or ordinance.

4. The city treasurer and every other officer of the city receiving or having in his possession any money, accounts, property or effects belonging to the corporation, shall, upon the termination of his office, deliver over the same to the city, or to his duly qualified successor. Any vacancy in the office of city treasurer shall be filled by the vote of a majority of the members elected to councils, in joint convention, and the person so chosen to fill the same shall serve until the first Monday of April succeeding the municipal election occurring at least one month after the happening of such vacancy, at which election a successor shall be elected for the unexpired term.³

¹ The court will not grant a mandamus to compel a city treasurer to pay a claim which has not been countersigned by the councils, as required where

² A municipal corporation cannot be made garnishee in attachment proceedings. *City of Erie v. Knapp*, 29 Pa. 1. *Taylor v. Knipe*, 2 Pears. R. 151. It cannot create any department thereof. *Laughlin v. Nevelling*, 17 W. N. C. 268; *Fairbank v. Kirk*, 12 Super. Ct. R. 210. The commission supplies that of



bles or other growing crop, or who shall wilfully take or carry away any grain, corn, rye, wheat or other field crop, fruit or vegetable, plants, nuts or berries or any fruit or ornamental trees, vines or shrubs, whether the same be attached to the soil or not, shall be subject to a penalty not exceeding fifty dollars for each and every offense.¹

2. Any justice of the peace or alderman, upon information or complaint made before him, by the affidavit of one or more persons, of the violation of said act by any person or persons, shall issue his warrant, directed to any constable or police officer, to cause such person or persons to be arrested and brought before said justice or alderman, who shall hear and determine the guilt or innocence of such person or persons so charged, and if convicted of said offense or offenses, shall be sentenced to pay the said penalty aforesaid attached to said violations, with costs, one-half to go to the party or parties injured to pay for damages sustained, and the remaining one-half to the school fund of the district in which said offense was committed; *Provided*, That the defendant or defendants, on refusing to pay at once said penalty, shall be committed to the common jail of the said county, for a period of not less than one day for each dollar of penalty imposed, unless the defendant or defendants enter in a recognizance, with good security, to answer said complaint on a charge of misdemeanor before the quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the offense so charged, and failure to pay the penalty imposed by this act, with costs, shall commit said defendant or defendants to the common jail of the county for a period not less than one day for each dollar of penalty imposed.

3. All acts or parts of acts heretofore passed and inconsistent herewith are hereby repealed.

June 1881.

Id. § 2.

Summary conviction before justice or alderman.

Commitment.

Appeal to quarter sessions.

Id. § 3.

Repeal.

¹ So amended by Act of June 18, 1895, P. L. 196, extending the protection of the Act of 1881 to nuts and berries. The latter act repealed that of March 30, 1860, P. L. 362, for the punishment of the same offences in several counties of the state, in respect to the penalty and mode of proceedings. *Hoffman v. Commonwealth*, 123 Pa. 75. See also *Commonwealth v. Clark*, 3 Super. Ct. R. 141. The Act of 1860 was made general by Act of April 17, 1861, P. L. 322, and by a supplement passed May 1, 1861, P. L. 478, its provisions

were enlarged to protect graperies, statuary, vases, fountains, etc. See the Act of May 19, 1879, P. L. 64, punishing the malicious destruction or removal of flowers, shrubbery, etc., in cemeteries, or trespass upon private inclosures therein. The Act of April 14, 1905, P. L. 169, makes it unlawful to trespass upon land posted as private property; the penalties to go to the school district. This act appears to be designed more especially for the protection of rural property.

Vagrants.

[See TRAMPS.]

- | | |
|--|-------------------------------------|
| 1. Who to be deemed vagrants. | 5. Discharge for good behavior. |
| 2. Vagrants to be arrested. Trial and conviction. Record. Appeal. | 6. County to provide work-houses. |
| 3. Work to be provided for vagrants. Maintenance. | 7. Fees of justices and constables. |
| 4. Non-resident poor may be returned to their homes. Expenses, how defrayed. | 8. Poor-houses to be work-houses. |
| | 9. Certificates of discharge. |
| | 10. Fees of justices and aldermen. |

8 May 1876.
§1. P. L. 154.

Who to be
deemed va-
grants.

1. The following described persons are hereby declared to be vagrants:¹

I. All persons who shall unlawfully return into any district whence they have been legally removed, without bringing a certificate from the proper authorities of the city or district to which they belong, stating that they have a settlement therein.

II. All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor, as provided by the act of June thirteenth, one thousand eight hundred and thirty-six, entitled "An act relating to the support and employment of the poor."

III. All persons going about from door to door, or placing themselves in streets, highways or other roads, to beg or gather alms, and all other persons wandering abroad and begging, who have no fixed place of residence in the township, ward or borough in which the vagrant is arrested.

IV. All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering or residing therein, and shall follow no labor, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business in such place.

months, and shall forthwith commit him to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor-house, work-house or common jail, or to the supervisors or street commissioners and overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in his judgment shall be deemed most expedient; the said justice of the peace or committing magistrate, in every case of conviction, shall make up and sign a record of conviction, annexing thereto the names and records of the different witnesses examined before him, and shall by warrant, under [his] hand, commit such person as aforesaid; *Provided*, Any person or persons who shall conceive him, her or themselves aggrieved by any act, judgment or determination of any justice of the peace or alderman, in and concerning the execution of this act, may appeal to the present or next general quarter sessions of the city or county, giving reasonable notice thereof, whose orders thereupon shall be final.¹

3. It shall be the duty of the custodian or custodians of any such vagrant, to make active efforts to provide work for every vagrant committed under this act, and not disqualified by sickness, old age [or] casualty; and whenever labor cannot be provided in the place to which any vagrant is committed, it shall be lawful for such custodian or custodians, and it is hereby declared to be his or their duty, with the approval of the board of directors, overseers, guardians or commissioners of the poor, as the case may be, to contract with the proper authorities of any such township, borough, city, county, or other persons, to do any work or labor outside the place of commitment; in all cases the work or labor shall be suited to the proper discipline, health and capacity of such vagrant, and he shall be fed and clothed in a manner suited to the nature of the work engaged in, and the condition of the season; and when any vagrant is committed under the provisions of this act to the custody of the supervisors or street commissioners, and [or] overseers of the poor of any township, borough, city or county, it shall be their duty to provide for him comfortable lodging or quarters, either in a station-house or other building. The violation or neglect of any of the provisions of this section shall be deemed to be a misdemeanor, and the person so offending, on conviction thereof in the proper court, shall be sentenced to undergo an imprisonment for a term not exceeding three months, and to pay a fine not exceeding one hundred dollars, either or both, in the discretion of the court.

¹ The court of quarter sessions has no jurisdiction to try vagrancy cases under this act except on appeal from a conviction by a justice of the peace. *Commonwealth v. Kehoe*, 1 Dist. R. 636.

Id. § 3.
Work to be provided for vagrants.
Appeal.
Record.
Maintenance.

8 May 1876.
§ 4.

Non-resident
poor may be
returned to
their homes.

Expenses, how
defrayed.

Id. § 5.

Discharge for
good behavior.

Id. § 6.

County to pro-
vide work-
houses.

4. If any person, not being in the county, township or place in which he usually lives or has his home, shall apply to any director, overseer, guardian or commissioner of the poor of any county, city, borough, township or district, stating that he is desirous to return to his home, but is poor and has not the means to do so, the said director, overseer, guardian or commissioner of [the poor] may employ or let out such poor person to labor, at some suitable place, to be by them selected, and at such wages as shall seem to them just, and when, in the opinion of said director, overseer, guardian or commissioner of the poor such poor person shall have earned a sufficient sum, said director, overseer, guardian or commissioner of the poor shall, with the money so earned, and with such additions thereto from the treasury of the county, city, borough, township or district as they may think reasonable, cause such person to be returned to his home, whether in this state or elsewhere; *Provided*, That the expense shall not exceed twenty dollars.

5. The custodian or custodians of such vagrant may, at discretion, discharge such vagrant at any time within the term of commitment, upon not less than ten days' good behavior, or upon satisfactory security that he shall not become a charge upon the public within one year from the date of such discharge.

6. The county commissioners of every county in which there shall not be sufficient provision for the safe custody of persons committed under this act, upon the recommendation of a grand jury of the county, and approval of the court, are hereby empowered and required to make suitable provisions by buildings or enclosures; *Provided*, That the expense of the same shall not exceed the amount fixed by the grand

arrest, hearing and commitment, but shall forthwith be discharged by the officer in whose custody he may be. Any wilful refusal to make such arrest on the part of any constable or police officer, shall subject him to a penalty of five dollars, to be collected as penalties are collectible, and shall be paid into the poor fund of the district in which such officer resides, if such poor fund exists, and into the county treasury, where such poor fund does not exist.¹ 8 May 1878. Penalty.

8. All poor-houses, almshouses and other places provided for the keeping of the poor, are hereby declared to be work-houses for the purposes of this act; and it is hereby made the duty of the custodians of such buildings to provide work for such vagrants, and to compel them to work therein, when able, not less than six hours per day. Id. § 8. Poor-houses to be work-houses.

9. The custodian of any vagrant, upon his discharge and at his request, shall give him a certificate of discharge, which shall exempt him from any further arrest for vagrancy for a period of five days, upon condition that he shall forthwith leave the county wherein confined; and the said custodian is hereby authorized to give, in his discretion, to such discharged vagrant, a reasonable sum of money out of his earnings, or out of the treasury of the township, borough, city or county, to defray his expenses in leaving the county as aforesaid. Id. § 9. Certificates of discharge.

10. From and after the passage of this act the fees of justices of the peace, magistrates and aldermen of this commonwealth for every act in or about the arrest and commitment of vagrants shall be one dollar for each vagrant arrested and committed, and in case of the arrest of a person or persons charged with vagrancy who, after hearing, shall be discharged by the justice of the peace, magistrate or alderman, the fees of the justice of the peace, magistrate or alderman shall be fifty cents.² 28 April 1899. § 1. P. L. 88. Fees of justices and aldermen.

¹The original section so amended by Act of May 3, 1878, P. L. 40.

²The fees of constables for arrest and commitment of vagrants are regulated by

the Act of Feb. 17, 1890, P. L. 3 (title "Constables," *ante*, p. 86). See *Swisher v. Franklin County*, 5 Dist. R. 200.

Wards.

[See ANNEXATION OF TERRITORY.]

1. Division and creation of wards. Petition to court of quarter sessions. Commissioners to be appointed. Duties of commissioners. Report.

2. On favorable report, election to be ordered. Mayor to give notice of election. Tickets. Return of election. Upon majority vote, decree to be entered. Certificate to councils. If majority against new ward, no further action to be taken. Limitation of number of wards and minimum of taxables.

3. Proceedings for annexation of part of one ward to another. Commissioners to be

appointed, on petition. Commissioners to examine premises and make draft. Report to court.

4. When vote of electors to be taken. How election to be conducted. Notice Tickets. Return of election. On affirmative vote, decree of separation to be entered. On negative vote, no further proceedings to be had.

5. Re-location of boundary lines of wards in certain cases. Petition to court and decree.

1. Wards in cities of the third class may be divided, or new wards created therein, by the court of quarter sessions of the proper county, on application thereto for that purpose by the petition of at least one hundred qualified electors 23 May 1889. Art. II., § 1. P. L. 27v. Division and creation of wards.

23 May 1889.
Art. II.

Petition to
court of quar-
ter sessions.

Commissioners
to be ap-
pointed.

Duties of com-
missioners.

Report.

Id. § 2.

On favorable
report, election
to be ordered.

Mayor to give
notice of
election.

thereof, or of the councils of such city; and upon such petition praying for the division of a ward, or for the erection of a new ward out of parts of two or more wards, the said court shall appoint five impartial men, residents of the city, but not of the wards to be affected thereby, as commissioners, to inquire into the propriety of granting the prayer thereof, and it shall be the duty of the commissioners so appointed, or any four of them, to examine the premises and to make a draft of the ward to be divided, showing the division thereof, or of the new ward proposed to be created, as the case may be, and they shall make report to the said court of quarter sessions at its next term,¹ together with their opinion of the same; and at the term after that at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable.

2. If the commissioners, or a majority of them, report favorably to such division or creation, the court shall order a vote of the qualified electors of the ward or wards to be affected thereby to be taken on the question of the division or creation thereof, and shall appoint an election, to be held on the day of [the] municipal or general election, when the election officers of the ward or wards proposed to be divided or affected thereby shall hold such election at the places and in the manner provided by law for the regulation of municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' public notice, by advertisement in at least three newspapers, if so many be printed in said city or by handbills posted in the most public places in said ward or wards, that such an election will be held, and of the time and place of holding the same. The judges and inspectors of election of said ward or wards shall receive from the elec-

ward, no further action shall be had upon such proceedings, nor shall any new application for such new ward be heard for three years from the date of such election; *Provided*, That no ward shall contain less than three hundred taxable inhabitants according to the last preceding enumeration; and no city of the third class shall contain more than twenty-one wards.

28 May 1889.
Art. II.

If majority against new ward, no further action to be taken.
Limitation of number of wards and minimum of taxables.

3. On the petition of at least twenty-five electors resident within the district to be stricken off or attached, or of the councils of any city of the third class, to the court of quarter sessions of the proper county, praying for the detaching from one ward a part thereof and attaching the same to another ward, the said court shall appoint five impartial men, residents of the city but not of the ward to be affected thereby, as commissioners, to inquire into the propriety of granting the prayer thereof, and it shall be the duty of the commissioners thereof, or any four of them, to examine the premises, and to make a draft of the wards affected, and showing the lines as the division will affect them, and shall make report to said court at the next term, together with their opinion of the necessity for the same, and at the next term after that at which the report shall be made, the court shall take such action thereon as to them shall appear just and reasonable.

16 May 1891.
§ 1. P. L. 64.

Proceedings for annexation of part of one ward to another.

Commissioners to be appointed, on petition.

Commissioners to examine premises and make draft.

Report to court.

4. If the commissioners, or a majority of them, report in favor of the petition, the court shall order a vote of the qualified electors of the ward from which the territory is to be stricken off to be taken on the question, and shall appoint an election, to be held on the day of the municipal or general election, when the election officers of the ward shall hold such election at the place and in the manner provided by law for the regulation of municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' public notice by advertisement in at least three newspapers, if so many be printed in said city, or by handbills posted in the most public places in said ward, that such an election will be held, and of the time and place of holding the same. The judges and inspectors of election in said wards shall receive from the electors thereof written or printed tickets having on the outside the word "division," and on the inside the words "for division," or "against division," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for and against such separation, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days, and the said clerk shall record said return and forthwith lay it before the court. If it shall appear that a majority of the votes so taken are for the separation, the said court shall thereupon order and decree the separation from the one ward and the attachment to

Id. § 2.

When vote of electors to be taken.

How election to be conducted.

Notice.

Tickets.

Return of election.

On affirmative vote, decree of separation to be entered.

252 WARDS—WATER AND LIGHTING DEPARTMENT.

16 May 1891.

On negative vote, no further proceedings to be had.

9 July 1897.
§ 1. P. L. 217.

Re-location of boundary lines of wards in certain cases.

Petition to court and decree.

the other ward, agreeably to the lines marked out and returned by the commissioners, and shall cause a certified copy of the whole proceedings to be placed on record among the minutes of councils. If a majority of votes have been against such separation, no further action shall be had upon such proceedings, nor shall any new application for such separation and addition be heard for three years from the date of such election.

5. In case of the division of any ward, or the creation of new wards, where any of the boundaries or divisions thereof is a creek or stream, or any other invisible line, and where any of said lines have become changed, obliterated, uncertain or undesirable by reason of the opening of streets, the construction of sewers, the development of the locality, or any other cause, then and in such case the court of quarter sessions is authorized and empowered, upon the filing of a petition signed by at least twelve electors, setting forth the above facts, together with a plan of the said ward or wards, to make such order or decree as to the relocation of the line as to them may appear proper, so that the same shall conform as near as possible to the boundary lines which may have been previously determined upon.

Water and Lighting Department.

I. ORGANIZATION AND POWERS.

1. Purchase of property of water, gas or electric light companies. Power to appropriate streams and lands. Right to enter upon lands and take materials. Compensation to owners. Authority to be conferred by electors at special election.

2. Water and lighting department to be created. Division of city into districts. Election of commissioners by councils.

3. How commissioners to be elected. Term of service.

with approval of councils. Rates to be fixed annually.

10. Collection of lighting and water rates. Delinquent claims to be registered in city lien-docket.

11. Commissioners to submit annual statement to councils. City treasurer to keep separate account of revenues from departments of water and lighting. Application of revenue.

12. Councils to pass necessary ordinances and regulations. Penalties for violation of same, how recoverable.

privileges and franchises by law belonging or pertaining to such company or companies, and may take and appropriate any stream or streams of water, spring or springs, lands, tenements, hereditaments, property and materials, near or accessible to such city, which may be necessary for the erection and maintenance of water, gas or electric light works, and for the supplying of said city with water or light, and may enter into and upon any lands, inclosures, streets or highways to procure materials for the construction of said works, doing as little damage as possible to property, and making compensation to the owner or owners of all species of property taken, appropriated or injured by them for the purposes aforesaid, as herein provided; but the powers granted by this section shall not be exercised by councils until authority so to do shall have been given them by a majority of the voters of such city, at a special election held for that purpose, of which election the mayor shall give notice as provided for municipal elections.

23 May 1889.
Art. XII.

Power to appropriate streams and lands.

Right to enter upon lands and take materials.

Compensation to owners.

Authority to be conferred by electors at special election.

2. Any city which now has the title to any water, gas or electric light works, by conveyance to the same in its corporate name,¹ or which may hereafter erect or purchase water, gas, or electric light works under the provisions of this act, are [is] hereby empowered to create a department to be called the water and lighting department; and for the organization and government of the same the councils are hereby authorized and empowered to divide the city into three districts for the election of a board of commissioners, which districts shall be numbered one, two and three; one commissioner to be chosen from each respective district, of which he shall be a resident at the time of his election, and no member of councils or person holding any city office shall be eligible as a member of said board.

Id. § 2.

Water and lighting department to be created.

Division of city into districts.

Election of commissioners by councils.

3. The councils of such city creating such department as aforesaid, may, on the second Monday of April, or within thirty days thereafter, in joint convention, elect one person from each of said districts as a member of the board of commissioners of the water and lighting department; and at the first election each member of councils shall vote for but two commissioners, and the three persons, being one from each of said districts, having the highest number of votes shall be declared elected. The commissioners so elected shall serve for the term of one, two and three years, respectively, to be computed from the date of election, and until their successors are duly elected and qualified. The term of each shall be de-

Id. § 3.

How commissioners to be elected.

Term of service.

¹The application of this article to cities already having the title to water works differs from that of the Municipal Act of May 23, 1874, which related only to cities prospectively erecting or purchasing water works under its provisions. The provisions of the above section are permissive and not mandatory. *Roddy*

v. Reynolds, 31 C. C. R. 145. As to whether the general provisions of the Act of 1889 operate to repeal prior local acts creating a city water department, see *Grubb v. Weaver*, 19 Pa. C. C. R. 609, and authorities there cited; also *Graeff v. Felix*, 200 Pa. 137.

23 May 1889.
Art. XII.

Id. § 4.

Compensation
of commis-
sioners.

Oath.

Removals and
supplying of
vacancies.

Id. § 5.

Powers and
duties of com-
missioners. Su-
perintendent
and clerk.

Purchase of
materials and
construction
of works.

Id. § 6.

Estimates of
cost of im-
provements to
be submitted
to councils.

terminated by lot at the first meeting of the board, and thereafter on the second Monday of April of each year, or within thirty days thereafter, the councils shall, in joint convention, elect one commissioner to serve for the term of three years.

4. The members of the board of commissioners created as aforesaid shall receive such compensation for their services as may be provided by ordinance.¹ Before entering upon their respective duties they shall take and subscribe the oath herein prescribed for city officers,² and they shall be removable by councils for misdemeanor in office or neglect of duty; and all vacancies occurring in the board shall be filled by councils for the unexpired term.³

5. It shall be the duty of the board to take charge of the water and lighting department so created as aforesaid, and by their sole authority to employ and dismiss at pleasure a superintendent, and a clerk who shall be secretary of the board, whose compensation shall be fixed by councils, and to employ such laborers, mechanics and workmen as they may deem necessary for the economical and efficient administration of said department. They shall purchase such materials and supplies as may be required for keeping the works in good repair, and have charge and control of all constructions, repairs, enlargements and extensions of the works, and shall conduct and manage the affairs and business of the department in accordance with law and the directions of the city councils.⁴

6. The said board of commissioners so created shall, whenever called upon by councils, make and submit to them full estimates of the cost, charges and expenses of any new work, enlargement, extension of water or lighting supply, or alteration which councils may contemplate making relative to said works; and said board may, at any time, submit to councils

tended through any of the streets of the city in which main pipes were not laid before the said extension, and shall file the same in the department; and it shall be the duty of the clerk of said department, forthwith, on receipt of said statement, to make out a list of all the owners of houses, lots and buildings on each side of the streets through which said pipes are extended, and to charge said owners, and each of them, for each and every house, lot or building so situated in said streets, at such rate per foot¹ as the city councils may by ordinance fix, for said mains extending along the front of their respective houses, lots and buildings; *Provided*, That nothing herein contained shall be construed to prevent the councils from providing for the payment of water and gas pipes by the city.

²³ May 1880.
Art. XII.

Owners to be charged such rates per foot as councils may direct.

City may assume cost of extensions.

8. Said charge shall be called the frontage water tax, or lighting tax, as the case may be, and shall be collected and recovered in the manner provided by this act for the recovery of municipal claims. And whenever any pipes for the conveyance of water or light shall be laid in any of the streets or highways within such city, the owners of the ground in front of which the same shall be laid shall pay for the expense thereof such sum for each foot of the front of their ground upon such street as the city councils may by ordinance direct; *Provided*, That in all corner lots an allowance shall be made of one-third the length of their front, but such allowance shall be always and only on the street or highway having the longest front, and in case both fronts are of equal dimensions the allowance shall be made in the street in which the pipes shall be last laid, but in no case shall the allowance exceed sixty feet on any corner lot; *And provided further*, That when a corner lot shall have erected upon it two or more separate tenements, there shall only be an allowance made equal to one-third of the depth of the corner tenement and the yard adjoining; *And provided also*, That the provisions of this and the foregoing section shall not apply to any lot or piece of ground in such city upon which there may be a supply of water or gas obtained from any other source whatever; but if at any time the owner of such lot or piece of ground shall desire to obtain a supply of water or gas from the works of such city, then and in that case the provisions of this section shall first be complied with.²

Id. § 8.

Frontage water tax and lighting tax. How collected.

Allowance for corner lots.

Limit of allowance.

Properties using private water or gas supply to be exempt from frontage tax.

¹ The city is not restricted in its claim to the actual cost of the pipe. *Swain v. Philadelphia*, 22 W. N. C. 120; see, also, *Lea v. Philadelphia*, 2 Id. 254.

² A municipal corporation has no power to charge rural lands with an assessment for water pipe upon the frontage rule. It is immaterial that the lands are enhanced in value by the laying of the pipe to the extent of the assessment. *Philadelphia v. Wetherill*, 13 W. N. C. 10. No lien can be acquired for laying water pipe in a private street. *Philadelphia v. Baird*,

1 W. N. C. 126. Nor for a sewer. *McClintock v. Allegheny*, 33 Leg. Int. 410. The granting of a permit to connect houses erected on a private street with the public water main is discretionary with the water department, and may be prohibited unless a frontage assessment is paid for water pipe to be afterwards laid when the street is dedicated to public use. *Boswell v. Philadelphia*, 15 W. N. C. 169. As to what constitutes involuntary payment of claim for laying water pipe, see *Lawrence v. Philadelphia*, 14 Id. 421.

23 May 1889.
Art. XII.
§ 9.

Board to fix
water and
lighting rates
with approval
of councils.

Rates to be
fixed annually.

9. The said commissioners so created shall have power, by and with the approval of councils, to fix the water and lighting rates, and the quantity to be used, and for that purpose they shall, on the first Monday of March in each year, establish the rates for the succeeding year, which rates shall be submitted by them to councils for their approval, and, when approved, such rates shall not be changed for and during the year, but if not approved, the existing rates shall continue until modified by the commissioners, with the approval of councils.

Id. § 10.

Collection of
lighting and
water rates.

Delinquent
claims to be
registered in
city lien
docket.

10. The city councils shall provide by ordinance for the collection of all the lighting and water rates that may accrue from time to time to the said city for the use of the water or light, fixing the time when such rates shall be payable, and the penalties for non-payment thereof;¹ and such rates shall be charged to the respective owners of the real estate on which such water or light is used, and if the same shall not be paid in accordance with the provisions of such ordinance, claims for the amounts due shall be registered in the city lien-docket in the same manner as is herein provided in the case of unpaid city taxes on real estate, with the like force and effect as to the lien thereof.

Id. § 11.

Commissioners
to submit an-
nual statement
to councils.

City treasurer
to keep sepa-
rate account of
revenues from
departments
of water and
lighting.

11. The said commissioners created as aforesaid shall, annually, at a stated meeting of councils in the month of January, report to said councils a full statement of all the repairs, alterations, reconstructions, new constructions, expenditures, and everything relating to the management and cost to the city of maintaining the said works. The treasurer of the city shall keep his accounts in such manner as to show in his monthly report, distinctly and separately, the entire amount of revenue realized during each month from the water and lighting departments of said city, and the amount of the same

from said water and lighting departments, after the payment of all the debts of said respective departments, shall be applied as follows: The surplus from the water revenues, to the reduction of the bonded indebtedness which has been created by the city for the erection and construction of its water works; and the surplus from the lighting revenues, to the reduction of any bonded indebtedness which has been created by the city for the erection and construction of its lighting plant.¹

12. The city councils shall pass such ordinances, rules and regulations as may be necessary for carrying into effect the provisions of this article, not inconsistent with this act, and may impose fines and penalties for the violation of such ordinances, rules and regulations, recoverable in the manner hereinbefore provided for the recovery of fines and penalties for the violation of other city ordinances, and subject to the like limitation as to the amount thereof.

II. Appropriation of Streams, Lands, etc., for Water Supply.

13. Any city or borough desiring to erect water works, or to improve its water supply, may for such purpose appropriate streams known as rivers or creeks, lands, easements and rights of way, whether within its territorial limits or not, and, for the purpose of conducting water obtained outside of the territorial limits of any city or borough, may lay pipes across, under and over any lands, rivers, streams, bridges, public highways, and cross railroads.

14. Prior to any appropriation, the city or borough shall attempt to agree with the owner as to the damage done, or likely to be done, to him; if the parties cannot agree, or the owner cannot be found, or is not sui juris, the said city or borough may file its bond in the common pleas court of the county, conditioned for the payment to the owner or owners of the property appropriated, of the damages for the taking thereof when the same shall have been ascertained according to law; upon the approval of the bond and its being filed, the right of the corporation to enter upon the property or rights intended to be appropriated shall be complete. Upon petition of either the property owner or the city or borough at any time thereafter, the said court shall appoint five disinterested freeholders of the county to serve as viewers, to assess the damages proper to be paid to the owner for the property or rights appropriated, and shall fix a time for their meeting, of which notice shall be given to both parties. When the report is filed, either party may appeal and have a jury trial, as provided by law.³

¹ The section amended as above by Act of May 16, 1901, § 28, P. L. 245.

² See the Act of June 24, 1895, P. L. 244, prohibiting burials upon lands forming the drainage area of a city water supply, except beyond the distance of one mile from the city limits.

³ As to the construction of this act with reference to a local law relating to the establishment of a city water works, see *Shroder v. Lancaster*, 170 Pa. 136.

² May 1905.
§ 1. P. L. 350.

Cities author-
ized to patrol
drainage area
of water
supply.

Compensation
for injury.

15. Any city owning and operating a water works system is hereby authorized and empowered to enter, by any of its employes, upon private lands through which may pass any stream or streams of water supplying such city, for the purpose of patrolling the drainage area of such stream or streams, and making investigations or inquiries pertaining to the condition of the stream or streams, sanitary or otherwise; *Provided, however,* That any injury or damage done to the property so entered upon shall be paid by such city.¹

¹ The Act of April 22, 1905, P. L. 200, "to preserve the purity of the waters of the state for the protection of the public health," provides for strict state supervision of municipal and corporate water and sewage systems, and prohibits the discharge of sewage into public waters.

Exhibition of plans and surveys of the sources of local water supply is required to be made to the state department of health. Appeals from the orders of the department lie to the court of common pleas.

Weights and Measures.

1. Penalty for selling by short weight or measure.

2. Penalty for using false scales, weights and measures.

¹¹ April 1850.
§ 8. P. L. 452.

Penalty for
selling by
short weight
or measure.

1. Whenever any description of manufactured goods, commonly called dry goods or groceries, shall be sold by the piece, in packages, or by weight, and the said pieces or packages shall be marked or represented to contain a certain number of yards, pounds or ounces, and the same shall be sold as containing that number or weight, when in fact the said pieces or packages shall contain a less number of yards, or pounds or ounces than so represented, the seller or manufacturer thereof shall forfeit and pay to the purchaser a sum equal to double the value of the quantity or weight found to be deficient, to be recovered by action of debt in any court of law,

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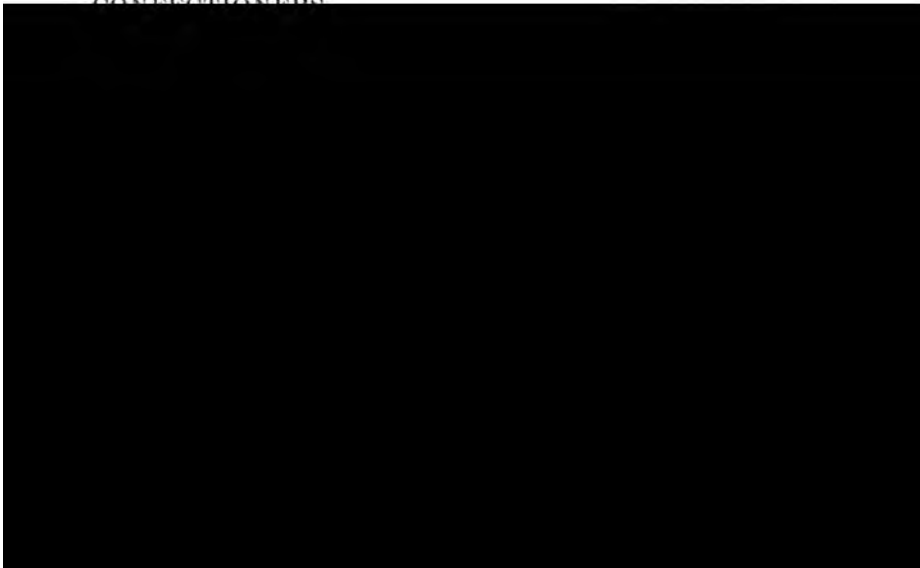
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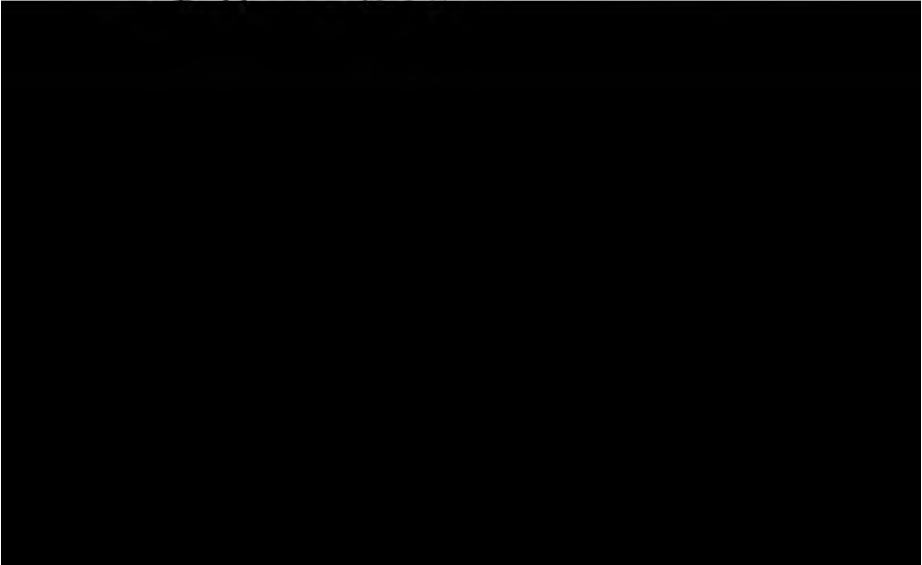
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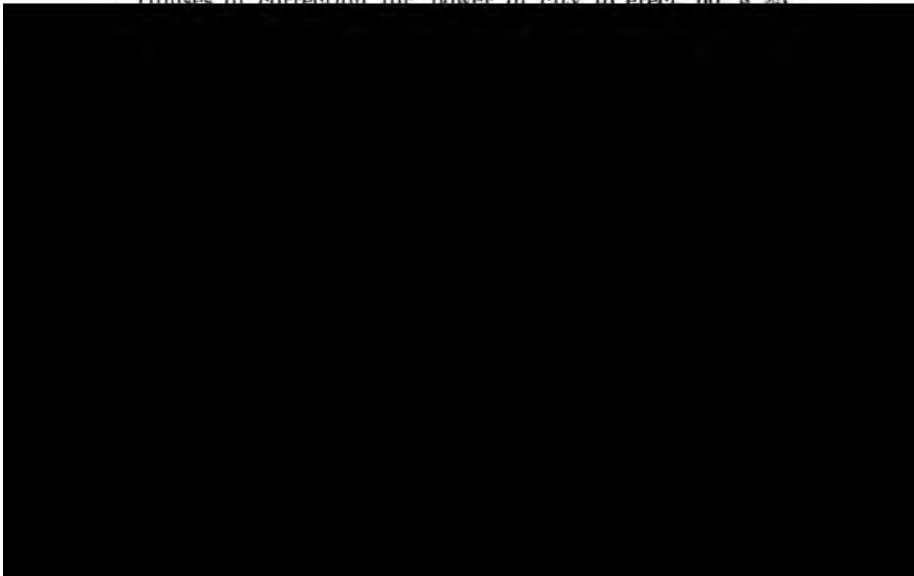
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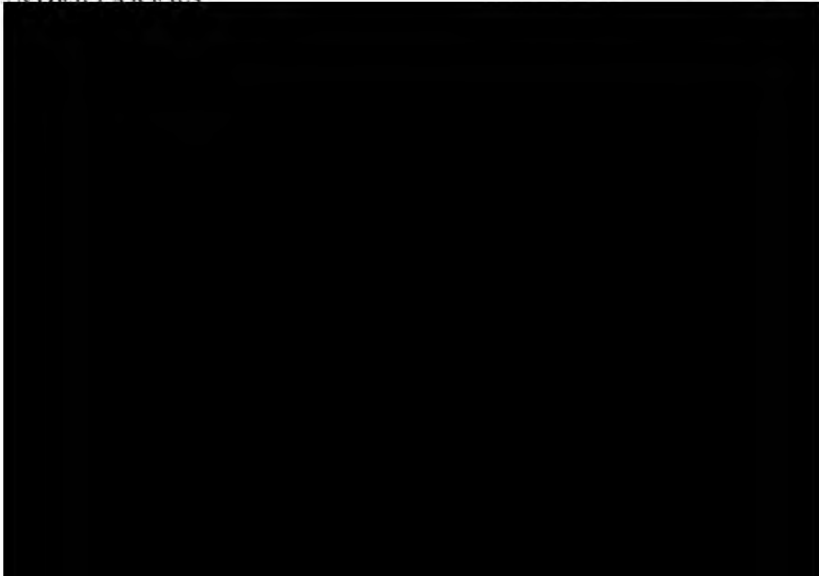
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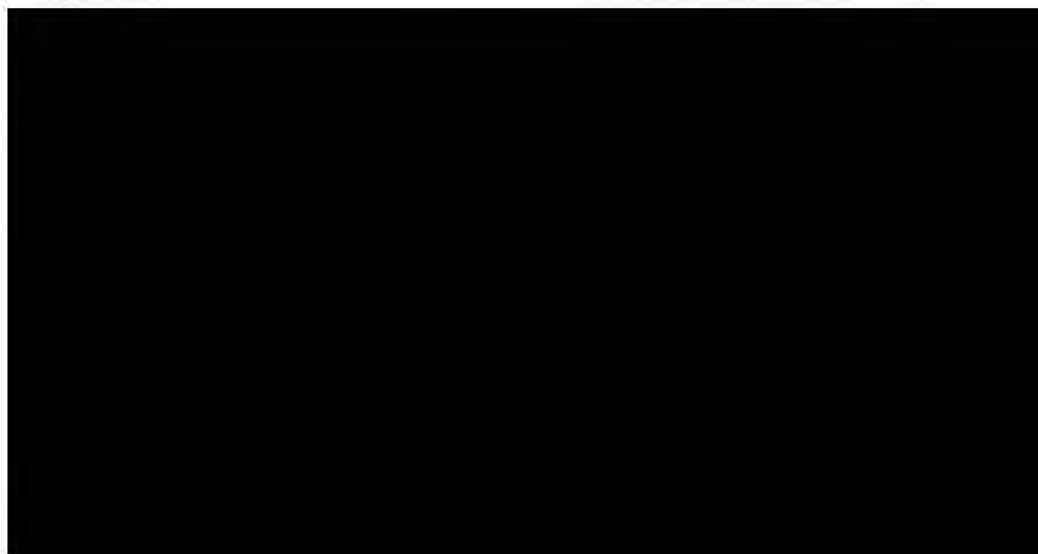
YEAS AND NAYS.

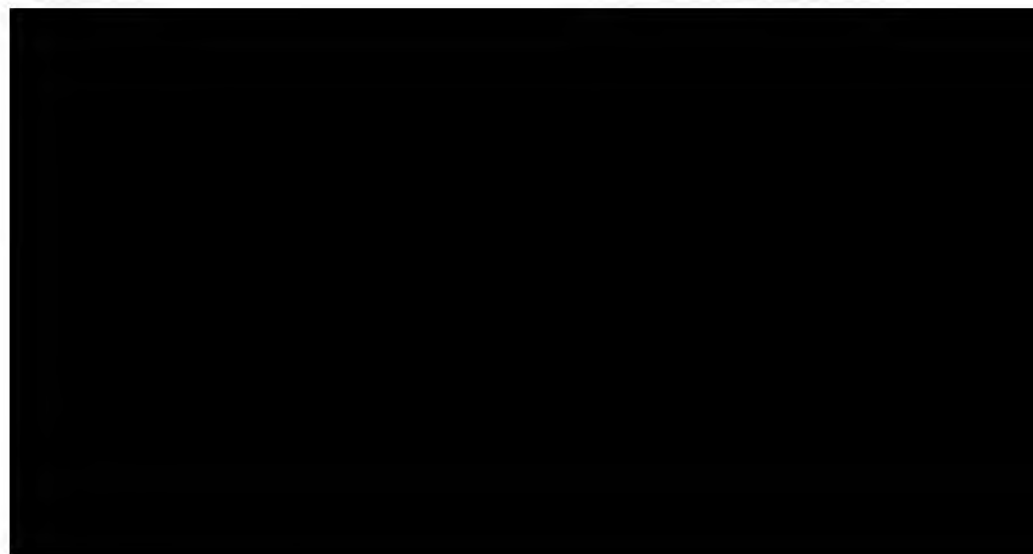
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PART II.

Special Laws Relating to the City of Erie

AND

Other Laws of Local Application.



PART II.

Special Laws Relating to the City of Erie,

AND

OTHER LAWS OF LOCAL APPLICATION.

Aldermen.

1. Alderman's office to be in ward elected for.
2. Where Justice of the Peace may reside.

1. The several Aldermen * * * during their continuance in office, shall respectively keep their offices in the ward, borough or township for which they shall have been elected. June 21, 1839. § 13. P. L. 380. Alderman's office to be in ward elected for.

2. That any Justice of the Peace now elected or that may hereafter be elected and commissioned in any ward of the City of Erie may have his residence in any of the other wards of said city; *provided*, that at the time of his election he shall be a citizen of the ward for which he shall be elected and shall hold his office in the ward for which he was elected during his term of office. (a) April 29, 1867. P. L. 1215. Where Justices of the Peace may reside.

(a) See Act of February 28, 1868, P. L. 228.

The laws defining the powers and duties of Aldermen and Justices of the Peace, and procedure in magistrates' courts, are too voluminous, and not of sufficient interest in city affairs to occupy space in this volume. They may be found in Purdon's Digest, 12th edition, pages 1125 to 1157 inclusive, and include the following Acts which have special reference to trials before Justices and Aldermen in Erie county, viz:

Act of February 18, 1869, Sec. 3, 5, P. L. 209;

Act of March 28, 1870, Sec. 1, 4, 5, 6, 8, P. L. 596;

Act of May 1, 1861, Sec. 1, 11, P. L. 682;

Act of April 5, 1862, Sec. 1, 2, 3, 5, P. L. 273;

Act of April 11, 1868, Sec. 1, P. L. 859;

Act of March 12, 1869, Sec. 1, P. L. 362;

Act of April 13, 1867, Sec. 2, P. L. 1,232.

See also under the head "Mayor" for appeals from judgments and convictions in magistrates' courts.

Animals Running at Large.

1. Hogs, goats and geese running at large.
2. Power to tax dogs, goats, hogs and geese.
3. Cattle, horses, hogs and sheep running at large; penalty.

1. And they [Mayor and Councils] are hereby required to pass all ordinances necessary to prevent the running at large all hogs, goats and geese, and for their destruction, if needful and necessary to prevent their running at large in said city. (a) Mar. 25, 1862. P. L. 173. Hogs, goats and geese running at large.

(a) See *Infra* 2, 3, and also Act of May 23, 1889, Art. 5, Sec. 3, clause 35, ante, title "Corporate Powers."

4 ANIMALS RUNNING AT LARGE—ERIE COUNTY CREATED.

April 30, 1864.
§ 8. P. L. 674.

Power to tax
dogs, goats,
hogs and
geese.

Feb. 24, 1870.
§ 1. P. L. 230.

Cattle,
horses, hogs
and sheep
running at
large.
Penalty.

2. Said Councils shall have power to levy and collect such tax as they shall deem expedient and proper from the owners of all dogs, goats, hogs and geese kept or running at large in said city and shall collect the same in the same manner that other taxes are collected in said city.

3. That from and after the passage of this Act no cattle, horses, hogs or sheep shall be suffered to run at large on or upon the public roads or highways, in the counties of Erie and Crawford, under the penalty of two dollars per head for horses and cattle, and one dollar per head for hogs and fifty cents per head for sheep. (a)

(a) The succeeding sections of this Act make it the duty of constables under penalty to seize such animals when running at large and sell them in the same manner provided for selling strays. Persons on whose premises the animals may be trespassing may seize and deliver them to the constable of the district. The Act repeals all prior laws relative

to such animals running at large in Erie and Crawford counties.

See also Acts of March 30, 1872, P. L. 671; February 27, 1873, P. L. 170; May 25, 1893, P. L. 136; June 7, 1897, P. L. 130, and April 23, 1901, P. L. 92. The Act of 1893, here referred to, provides that dogs under four months old shall not be assessed for taxation.

Erie County Created.—Certain County Officers.

1. Erie County created and boundaries defined.
2. Temporary union of certain counties.
3. Erie County a part of the Sixth Judicial District.
4. Place of holding Court designated.

5. Appointment of County Solicitor; qualifications.
6. Term; salary; fees to be paid into County Treasury.
7. Duties.
8. Report of County Auditor; publication.

The fifth Section of an Act entitled "An Act to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties into separate counties," provides

Mar. 12, 1800.
P. L. 3. Blos.

1. "That all that part of Allegheny county which shall be

ERIE COUNTY CREATED—CERTAIN COUNTY OFFICERS. 5

ties of Crawford, Mercer, Venango, Warren and Erie, shall form one county, under the name of Crawford County. (a) April 2, 1808.
§ 2, P. L. (4
Bioren) p. 89
Ch. 280.

3. * * * That the counties of Beaver, Butler, Crawford, Mercer and Erie, shall form a separate circuit or district, to be called the Sixth district, and the President to be appointed for said district, and the Associate Judges to be appointed in each of the aforesaid counties, shall have like powers, jurisdictions and authorities within the same, as are warranted to and exercised by the judges in other counties of this Commonwealth. (b) Erie County
a part of the
Sixth Judicial
district.

4. * * * That the Courts (c) for the County of Erie shall be held at the house now occupied by George Behler (a), in the town of Erie, until a court house shall be erected in said town, or until the County Commissioners and the Court shall think it proper to have it held at some more convenient house in said town. (d) April 2, 1808.
§ 9, P. L. (4
Bioren) p. 92
Ch. 280.
Place of
holding
Court design-
ated.

(a) By the census of 1800, the first taken, Erie county had 1,468 inhabitants; in 1810, 3,758.

By the last enumeration prior to March 21, 1808, Erie county had 914 taxable inhabitants. 3 Bioren, 431.

By the state census of 1821, Erie county had 1,973 taxables and two slaves.

There were 10 election districts established in Erie county by the Act of April 11, 1807. 3 Bioren, 432.

(b) The title of this Act is as follows: "An Act to organize the provisional counties of Beaver, Butler, Mercer and Erie for judicial purposes."

By the Act of June 12, 1895, P. L. 191, Erie county constitutes the Sixth Judicial District of Pennsylvania.

(c) This seems to have been the first provision made for holding Court in Erie county. Though the county was set apart from Allegheny county and its lines defined by the Act of March 12, 1800, supra 1, the seat of Justice continued to be in Crawford county (probably in Meadville) until 1803.

The name is spelled "Buehler" in the early records and histories of that period.

George Buehler's hotel, here referred to, stood at the northeast corner of Third and French Streets. It was afterwards known as the "McConkey House." It was Commodore Perry's headquarters in 1813. The building remained until about thirty-five years ago. Court was held in the "big room" of the hotel.

The place of holding Court was changed from Buehler's to what was known as the "Log Jail" on Second Street, from which it was subsequently

moved to the Brown building, corner Third and French Streets, opposite Buehler's hotel, which continued to be the Court room until the first Court House was erected, in 1808.

The Court House was a brick building located near the northeast corner of West Central Park. By Act of March 16, 1807, the State appropriated \$2,000 toward its erection. This Court House, with all County records, was destroyed by fire March 23, 1823.

The May term of Court, in 1823, was held in the Erie Academy building, which was used for County offices for two years.

A new and elegant Court House, for its time, was built on nearly the same site as the former one, and was completed and occupied early in 1825. The State appropriated \$2,500 therefor.

The bell used in this Court House for thirty years was a trophy of war, having been captured from the British at the battle of Lake Erie. It is now suspended in the main corridor of the City Hall.

The corner-stone of the present and third Court House was laid August 17, 1852, and the first session of court was held in the building May 7, 1855. It cost about \$100,000, exclusive of the east wing.

(d) The act of April 11, 1807, P. L. (4 Bioren) 464, divided the county of Erie into election districts. It constituted the Borough of Erie and Millcreek Township as one district, with the voting place at the house in said borough "now occupied as a Court House."

6 ERIE COUNTY CREATED—CERTAIN COUNTY OFFICERS.

May 22, 1895.
§ 1. P. L. 101.

Appointment
of county
solicitor.
Qualifica-
tions.

5. The County Commissioners of the several counties within this Commonwealth shall constitute a board, a majority of whom shall have authority to appoint a county solicitor, who shall be an attorney at law, admitted and qualified to practice in the courts of this Commonwealth.

Id. § 2.

Term.
Salary.
Fees to be
paid into
county
treasury.

6. That the solicitor so appointed shall hold his office *during the term of the commissioners constituting said board*, and shall receive such compensation as the commissioners may determine: Provided, That he shall before entering upon the duties of his office file with the county commissioners an agreement to pay all fees, attorney's fees and commissions, received from every source as county solicitor, into the county treasury. (a)

Id. § 3.

Duties.

7. He shall commence and prosecute all and every suit and suits brought or to be brought by the county, wherein or whereby any of the rights, privileges, properties, claims or demands of the county are involved, as well as defend all actions or suits brought against the county and shall perform all duties now enjoined by law upon county solicitors, and shall do all and every professional act, incident to the office, which may be required of him by the officers named in said board.

April 21, 1903.
§ 1. P. L. 234.

Report of
county audi-
tors.

8. It shall be the duty of the commissioners of each county to publish annually, once a week for four consecutive weeks, *as soon as it can conveniently be done after the completion of the report of the county auditors, but not later than June first*, a full and accurate statement of all receipts and expenditures of the preceding year, in one or more newspapers printed in the county. (b)

Publication.

(a) So amended by Act of March 5, 1903, P. L. 11.

(b) This is an amendment to the Act of April 15, 1834, Sec. 22.

The Act of April 18, 1899, P. L. 56, authorizes the County Commissioners to

term being three years. Under the Act of April 11, 1903, P. L. 166, the Jury Commissioners may appoint a clerk and fix his compensation, with the consent and approval of the County Commissioners.

Founding the City of Erie.

[See "Harbor of Erie."]

1. Original reservation of the town site.
2. Preamble.
3. Laying out the town of Erie; 1,600 acres for town lots and 3,400 acres for out-lots, to be surveyed by Commissioners appointed by the Governor; streets to be from 60 to 100 feet wide; town lots not to exceed one-third of an acre; out-lots not to exceed 5 acres; the town to be called "Erie;" the streets and alleys to be common highways forever.
4. Commissioners to file draft, etc., of survey; Governor may sell one-third of the lots at auction; conditions; notice of sale to be published; drafts of the town to be exposed to view; manner of selling the lots.
5. Terms of sale.
6. Reservations for fortifications; the Garrison tract 60 acres; 130 acres on the Peninsula; draft of the reservation to be filed; U. S. may erect forts, magazines, arsenals and dockyards; term of occupancy; millsites reserved to the state; roads may be laid out through the reservations; right of soil not included in this cession to the U. S.
7. Sales to be held in Philadelphia, Carlisle and Pittsburg.
8. Repeal of the Acts of 1793-1794.
9. Repeal of the improvement features of the Act of 1795.
10. Right of pre-emption accorded where partial payments have been made.
11. Preamble.
12. Commissioners to take charge of Garrison and Cascade tracts.
13. Reserve tracts not ceded to the U. S., to be laid out in farms and graded according to quality; 500 acres for schools; return of surveys.
14. The town of Erie erected into a borough; boundaries defined.
15. Re-enactment of the first section of the law of March 29, 1805; boundaries to be the bay, 12th, Parade and Chestnut Streets.
16. Boundaries extended 1,300 feet into the bay.
17. Limits of the borough extended to Ash, Liberty and 18th Streets, and to include the Peninsula; ward division line.
18. Chartered as a city; corporate title.
19. Borough laws and ordinances extended to the city.
20. All property claims, assets, suits and liabilities of the borough transferred to the city.
21. Borough of South Erie chartered; boundaries; corporate title.
22. Extension of the city limits; boundaries.
23. Laws of the city shall apply to the annexed territory.
24. Ordinances of the borough of South Erie to be carried out; proviso.
25. Property of the borough of South Erie vested in the City of Erie; debt of assumed by the City; Millcreek Town Hall.
26. The eastern sand beach a public landing; penalty for obstructing.

1. That the following tracts of land shall be reserved for the use of the Commonwealth, that is to say, at Presque Isle, formed by Lake Erie, the island or peninsula which forms the harbor, and a tract extending eight miles along the shore of the lake, and three miles in breadth, so as to include the tract already surveyed, by virtue of a resolution of the General Assembly, and the whole of the harbor formed by the said Presque Isle, at the mouth of Harbor Creek, which empties into the Lake Erie, and along the shore of the lake, on both sides of said creek, two thousand acres. (a)

2. In order to facilitate and promote the progress of settlement within this Commonwealth, and to afford additional security to the frontiers thereof, by the establishment of towns within the several tracts of land heretofore reserved for public uses.

(a) This is Sec. 13 of Act of April 3, 1792, entitled "An Act for the Sale of the Vacant Lands Within This Commonwealth," better known at the time as the "Actual Settlement Law." By the second section of the same Act the remainder of the lands owned by the State of Pennsylvania lying north and west of the Ohio and Allegheny Rivers and Conewango Creek were offered for sale to settlers at £7 10s. per 100 acres, with an allowance of six per cent for roads.

The settlement of Erie and all the territory above described was materially

retarded from two causes: First, the hostility of the Indians, and second, the controversies and legal difficulties arising from the conflicting titles to land.

The Indian troubles ended in 1795, but the land title question continued a disturbing element for ten years longer.

For the whole controversy and settlement of the land question see 2 Bioren, 203 to 239, chap. 1093; 3 Bioren, 206, chap. 2277, April 2, 1802; Act of April 3, 1804, 4 Bioren, chap. 2509; 7 Bioren, page 397, and also the decision of the United States Supreme Court delivered by Chief Justice Marshall in 1805.

April 3, 1792.
§ 13. P. L. (3 Bioren) Ch. 1,613. p. 74.
Original reservation of the Erie town site.

April 18, 1795.
P. L. (3 Bioren) Ch. 233. Ch. 1845.
Preamble.

April 18, 1795.
§ 1. P. L. (3
Bioren) 234.

Laying out the
town of Erie
1,600 acres for
town lots and
3,400 for out-lots
to be surveyed
by commission-
ers appointed
by Governor.

Streets to be
from 60 to 100
feet wide.

Town lots
not to exceed
one-third of
an acre.

Out-lots not
to exceed five
acres.

The town to be
called "Erie."

The streets
and alleys
to be com-
mon high-
ways for-
ever.

Id. § 2.

Commis-
sioners to
file draft,
etc., of sur-
vey.

Governor
may sell one
third of the
lots at auc-
tion.

Conditions.

3. *Be it enacted, etc.* That the Governor may and shall appoint two Commissioners to survey, or cause to be surveyed, one thousand six hundred acres of land for town lots, and three thousand four hundred acres of land adjoining thereto, for out lots, at or near to Presque Isle, on Lake Erie, within the tract heretofore reserved for public use in and by an Act, entitled "An Act for the sale of vacant lands within this Commonwealth," passed on third day of April, in the year one thousand seven hundred and ninety-two; and the said lands so surveyed shall respectively be laid out into town lots and out lots, in such manner and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes, alleys and reservations for public uses, as the said Commissioners shall direct, but no town lots shall contain more than one-third of an acre, no out lots more than five acres, nor shall the reservations for public uses exceed in the whole twenty acres; and the town hereby directed to be laid out shall be called "Erie," (a) and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and forever remain common high-ways.

4. That the said Commissioners shall with all convenient despatch file a draft, return and report of the survey and proceedings made and executed by virtue of this Act, in the office of the Secretary of the Commonwealth, and thereupon it shall be lawful for the Governor, at such time and times, in such manner and on such terms, as to him shall appear most advantageous to the Commonwealth, to sell, or cause to be sold, at public auction, and by letters patent under the seal of the State to grant and convey, to the highest and best bidders respectively, one-third part of the town lots and one-third part of the out lots surveyed and laid out as aforesaid, upon the condition hereinafter specified, that is to say: (b) [that the respective purchasers shall and do, within the term of two years from and after the day of sale, erect and build one house,

at least sixteen feet square, and containing at least one brick or stone chimney, on each and every town lot by them respectively purchased; and the Governor shall not grant nor issue any patent, nor from and after the expiration on the said term of two years shall any sale, so made as aforesaid, be deemed or construed to vest in the respective purchasers any title, interest, claim or demand, in law or equity, to the lots by them respectively purchased, but all payments previously made shall henceforth be forfeited to the Commonwealth, unless satisfactory proof be first given to the Court of Common Pleas of the proper county, and be by such Court certified to the Governor, that a house has been erected and built on the town lots respectively, for which patents shall from time to time be required, according to the true intent and meaning of this Act]: *Provided always*, That the Governor shall, at least eight weeks previously to the sale of said town lots and out-lots, or any of them, issue and publish, or cause to be issued and published, in at least one newspaper in each of the counties of this Commonwealth, in which newspapers are printed, a notification of the time, place, terms and conditions of such sale: (a) *Provided also*, That the Governor shall cause a draft or drafts of the said town and out-lots to be exposed to view in some suitable public situation, in each of the places where such notification shall be published, and also at the time and place when and where the said lots shall be exposed to sale: *And provided further*, That at the time of such sale not more than one town lot and one out-lot shall be put up to sale together.

April 18, 1796.
§ 2. P. L. (S
Bloren) 284.

Notice of
sale to be
published.

Drafts of
the town to
be exposed
to view.

Manner of
selling the
lots.

5. That one moiety or half of the purchase money of each and every lot sold in the manner directed by this Act shall be paid within three months from and after the time of such sale, and the other moiety or half part thereof within one year from the time of such sale, together with lawful interest for the same; and in case payment for any of the lots should not be made within the term or terms herein mentioned and fixed for payment, the sale of such lot or lots shall be absolutely void, and of no effect.

Id. § 2.

Terms of
sale.

6. That the said Commissioners shall also survey, or cause to be surveyed, previously to and exclusively of the survey of the said town lots and out-lots, one lot of sixty acres, on the southern side of the harbor of Presque Isle, one moiety thereof on the bank, and the other below the bank, comprehending the point at the entrance of the harbor, one lot of thirty acres on

Id. § 3 [4] p.
285.

Reserva-
tions for
fortifica-
tions.

The Garri-
son tract 60
acres.

(a) The following is a copy of the advertisement of the sales of lots, published in 1796:

Agreeably to instructions from His Excellency Thomas Mifflin, Governor of this Commonwealth, we shall offer for sale the following town and out-lots of Erie, Waterford, Franklin and Warren, at the times and places hereafter specified, viz.: The sale of that portion of town and out-lots of the several towns to be disposed of in the City of Philadelphia will commence on Monday, the 25th day of July next. That portion of

the town and out-lots of the several towns to be disposed of at Carlisle will commence at that borough on Wednesday, the 3d of August next; and the sale of that portion of the town and out-lots of the said towns to be disposed of at Pittsburg will commence at that borough on Monday, the 15th day of August next. * * *

WILLIAM IRVINE,
ANDREW ELLICOTT,
GEORGE WILSON,
Agents.

April 18, 1795. the Peninsula, at or near the entrance of the harbor, and one
 § 4. P. L. (3 other lot on the Peninsula, to contain one hundred acres, for
 Bioren) 236. the accommodation and use of the United States, in erecting
 180 acres on and maintaining forts, magazines, arsenals and dock-yards
 the peninsu- thereon, and in such other improvements as the said United
 la. States may judge proper to make, for their advantage and
 convenience; and the situations and forms of the said three
 lots shall be chosen and fixed, with a special reference to the
 uses aforesaid, by the said Commissioners, and the engineer
 who shall be employed by the United States, if any such shall
 be appointed, and shall attend for that purpose; and the said
 Commissioners shall, with all convenient despatch, return and
 file in the office of the Secretary of the Commonwealth, a draft
 of the location and survey of the said three last mentioned lots,
 and the said draft, being approved by the Governor, and re-
 corded by the Secretary, shall be deposited in the office of the
 Surveyor-General; and it shall be lawful for the United States
 at any time thereafter to take possession of, and occupy the
 said three last mentioned lots, and thereon to erect, establish
 and maintain all necessary forts, magazines, arsenals and dock-
 yards, and to make such other improvements thereon, as they
 may judge proper, and the same to continue to possess, occupy
 and hold, so long as they shall deem it expedient to maintain
 and shall actually maintain a fort, garrison, or other military
 establishment, at or near Presque Isle, and no longer: *Pro-*
vided always, That if the mill sites on the creek running near
 the ruins of the old French fort should fall within the cessions
 hereby made to the United States, the same shall nevertheless
 be, and hereby are, reserved for the use of this State, with the
 right of erecting mills thereon, but no buildings, mills excepted,
 shall be erected within six hundred yards of the center of any
 fort which shall be erected by the United States on either of
 the lots ceded to them as aforesaid: *Provided also*, That
 it shall be lawful to lay out and open convenient roads through
 the reservations.

Roads may
be laid out
through the
reservations.

Term of oc-
cupancy.

Mill sites
reserved to
the state.

U. S. may
erect forts,
magazines,
arsenals and
dockyards.

Draft of the
reservation
to be filed.

8. (a) That the Act entitled "An Act for laying out a town ^{April 18, 1795.} Presque Isle," passed the eighth day of April, one thousand ^{Repeal of the Acts of 1793 and 1794.} seven hundred and ninety-three, and the supplement thereto, ^{passed the eighteenth day of April, one thousand seven hundred and ninety-four, shall be, and they are hereby re-}pealed. (b)

9. That so much of any law that imposes upon any person ^{Feb. 19, 1800. § 1. P. L. (S. Bloren) 412. Ch. 2,096.} or persons who have purchased, or shall hereafter purchase any lot or lots in the towns of Erie, Franklin, Warren and Waterford, the condition of improving the same, and prohibits the ^{Repeal of the improvement feature of the Act of 1795.} issuing of any patent or patents, unless proof of such improvement be first made, shall be, and the same is hereby repealed.

10. That any person or persons, who have paid any money ^{Id. § 2.} for, or improved, any forfeited lot or lots in the said towns ^{Right of pre-emption accorded when partial payments have been made.} of Erie, Franklin, Warren and Waterford, shall have a pre-emption to said lot or lots, at the prices they sold for at former sales; *provided* he, she or they apply within twelve months after the passing of this Act, and pay for the same. (c)

11. WHEREAS, By an Act passed the eighteenth day of April, one thousand seven hundred and ninety-five, to ^{March 20, 1812 § 5 Bloren 537.} provide for laying out and establishing town and outplots within the several reserved tracts of land heretofore reserved for public uses at Presque Isle, and the Commissioners under said law did survey and lay out one tract of sixty acres, on the southern

(a) Secs. 13 and 14 authorized the Governor to enlist a sufficient number of men to continue the garrison at Fort Le Boeuf until December 1, 1795, for the purpose of protecting the surveyors and others entrusted with the execution of the objects of this Act, and to increase the forces if Indian hostilities continue, the troops to be discharged "as soon as a fort shall be established at Presque Isle, and the United States shall have furnished adequate garrisons for the same and for Fort Le Boeuf."

Sec. 15 appropriates \$17,000 to defray the expense of the surveys and to maintain the garrison at Fort Le Boeuf.

(b) The Acts of 1793 and 1794, here referred to, appropriated one in-lot and one out-lot to each of "the first 200 persons who shall actually inhabit and reside, on or before the first day of May, 1795, within the Town" of Erie. * * *

Those Acts, however, failed of execution on account of the hostility of the British and Indians.

The latter had become dissatisfied with the Cornplanter sale of the Triangle.

The Indians, in council, at Buffalo Creek, July 4, 1794, resolved to prevent, by force, if necessary, the settlement of Presque Isle by the Americans.

The United States Commissioner to the Six Nations, wrote the Secretary of War that the British "feel very much alarmed at the garrisoning of Presque Isle."

Governor Mifflin ordered 1,000 additional troops to Presque Isle, and matters assumed such a serious aspect that the Federal Government interfered.

President Washington, through his Secretary of War, General Knox, wrote Governor Mifflin that "affairs are critically circumstanced between the United States and the Six Nations," and it was the President's opinion, "on mature reflection, that it is advisable to suspend for the present the establishment of Presque Isle."

The Governor reluctantly but promptly complied with the request of President Washington. The suspense, however, was of short duration.

General Wayne's decisive victory at the battle of "Fallen Timbers," on the Maumee River, in 1794, obliterated the last ray of Indian hope in this direction. The treaty of Greenville concluded with the Western Indians, August 3, 1795, and the treaty with the "Six Nations" the following November, supplemented by a detachment of 200 men from Wayne's army, which arrived in Erie in the spring of 1796, ended all hostile demonstrations in this locality and removed opposition to the settlement of the town.

(c) This Act was continued for one year from 26th February, 1801, by Act of that date, Chan. 2189. This leniency was also continued in subsequent laws.

Mar. 30, 1812.
P. L. (5 Bio-
ren) 337.

Preamble.

side of the harbor of Presque Isle, for the accommodation and use of the United States, so long as they would actually maintain a fort or some military establishment thereon, and no longer; and whereas, another tract of forty-four acres and one hundred and twenty-nine perches, was also surveyed and laid out by said Commissioners, for the purpose of erecting mills thereon, and reserved by said law for the use of this State; and the United States did erect a garrison and other buildings on the first mentioned tract, also a sawmill and storehouse on the mill tract reserved by the State, as well as a block house and barracks on the public lots at the town of Waterford; and whereas, the United States have long since ceased to maintain a garrison at Presque Isle, and have also vacated all the buildings and premises aforesaid; and the same are fast going to ruin, no person being authorized to take charge of the same, in order to preserve such buildings, as remain on said tracts and lots, and that no damage shall in future be sustained by reason of any person committing trespasses or otherwise damaging the same: Therefore,

Id. § 1.

Commission-
ers to take
charge of
Garrison and
Cascade re-
serve tracts.

12. Be it *enacted*, etc., That Thomas Wilson, John Boyd and John Lytle, of Erie County, are hereby appointed Commisssioners to take charge of said tracts of land and lots, together with all buildings and improvements thereon erected, and they, or any two of them, are hereby authorized to lease the whole or any part of said premises in behalf of this Commonwealth.

April 11, 1799.
§ 1. P. L. (3
Bioren) 381.
Ch. 2,069.

Reserve
tract not
ceded to the
U. S., to be
laid out in
farms and
graded ac-
cording to
quality.

13. That the Governor is hereby empowered to direct the Surveyor-General to make, or cause to be made, actual surveys of the reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, which have not been laid out in town or out-lots, or ceded to the United States, and to lay off the same into lots, not exceeding one hundred and fifty acres in each, and marking the lines thereof, and designating first, second or third quality in said drafts. *Provided always*, That in each of the said reserved tracts the quantity of five hun-

INCORPORATION AS A BOROUGH.

14. That the first section of the Town of Erie, in the County of Erie, shall be, and the same is hereby, erected into a borough, which shall be called the Borough of Erie, and the east side of Parade Street, the south side of Twelfth Street, the west side of Chestnut Street and Lake Erie, shall be the boundaries thereof. (a)

Mar. 29, 1805.
§ 1. P. L. (4
Bioren) 476.
Ch. 2577.

The town of
Erie erected
into a bor-
ough.
Boundaries
defined.

15. That the first section of the said Town of Erie, in the County of Erie, shall still continue and forever remain a borough under the name and title of "The Borough of Erie," and the east side of Parade Street, the south side of Twelfth Street, the west side of Chestnut Street and the north side of the water lots, in the Bay of Presque Isle, shall continue to be the boundaries thereof.

April 8, 1833.
§ 1. P. L. 232.

Re-enact-
ment of the
first section
of the law of
Mar. 29, 1805.

Boundaries
to be the bay,
12th, Parade
and Chestnut
Streets.

EXTENSION OF 1834.

16. * * * That the bounds of the Borough of Erie, in the County of Erie, be and they are hereby extended northwardly from the present northern boundary thereof, thirteen hundred feet into the Bay of Presque Isle; the eastern and western boundaries of said extension to be in a direct line with the present eastern and western bounds of the same borough.

April 15, 1834.
§ 1. P. L. 530.

Boundaries
extended
1,300 feet into
the bay.

EXTENSION OF 1848.

17. That the boundaries of the Borough of Erie, in the County of Erie, be and are hereby extended so as to include in addition to what is already included within the corporate limits, the territory and inhabitants include and embraced with-

April 10, 1848.
§ 1. P. L. 490.

Limits of the
borough ex-
tended to
Ash, Liberty
and 18th
Streets, and
to include
the Penin-
sula.

(a) This is the first section of the Act of 1805 entitled "An Act to erect the Town of Erie, in the County of Erie, into a borough and for other purposes."

The second section of said Act provides for electing a Burgess, five Councilmen and a High Constable annually, on the first Monday in May. The elections to be held "at the house * * * occupied by George Buchlar * * * until a Court House shall be erected, after which the elections shall be held therein." [The Buchlar house here referred to was located at the northeast corner of Third and French Streets.]

The first Council meeting was held May 7, 1806. The Minute Book is preserved in the City Clerk's Office.

The ninth Section of this Act granted (subject to consent of the owner) lots numbers 2066 and 2067 (northwest corner of Sixth and Sassafras Streets) to George Buchlar and Judeth Colt in trust for the "borough, for the purpose of erecting a church or churches thereon, and for a place of burial."

This Act (1805) was repealed and supplied by the Act of April 8, 1833, P. L. 275, except part of the Tenth Sec., which will be found under "Streets," and "Water Lots," *post*.

SALE OF THE "SECOND SECTION."

The Act of March 20, 1811, P. L. (5 Bioren) 212, Sec. 12, Chap. 3,325, provides for appointment by the Governor of two reputable citizens, together with the Commissioner of Sales, to appraise, advertise and sell to the highest bidders the squares and out-lots of the second section of the town of Erie, provided the price be not lower than the appraised value. Terms, one-third cash, one-third in one year and one-third in two years from date of sale.

SALE OF THE "THIRD SECTION."

By the Act of April 8, 1833, P. L. 243, the Third Section of in-lots and out-lots of the town of Erie (being the territory from Cranberry Street westwardly one mile) was granted to the Borough of Erie to lay out in lots or tracts, sell to the highest and best bidders and apply the proceeds towards erecting the canal basin. The act vacated the streets in said section and provided for reserving 100 acres for a county poor house, to be selected by three persons appointed by the County Commissioners.

The Third Section property was sold at public auction, Aug. 1, 1833, at prices ranging from \$9 to \$22 per acre.

April 10, 1848.
§ 1. P. L. 430.

in the following boundaries : Beginning on the east at the north end of Ash Lane ; thence southwardly along the center of Ash Lane to the southeast corner of out-lot number two hundred and seventy-three ; thence westwardly along the southern line and boundary of out-lots numbers two hundred and seventy-three, two hundred and seventy-six, two hundred and seventy-seven, two hundred and eighty, two hundred and eighty-one, two hundred and eighty-three, two hundred and eighty-four, two hundred and eighty-five, two hundred and eighty-eight ; two hundred and eighty-nine, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-six and two hundred and ninety-seven, and including said out-lots to Liberty Lane ; thence northwardly along the center of Liberty Lane and Liberty Street to the bay and harbor of Erie ; thence westwardly along the shore of the bay and around the head thereof, as far as the shore extends ; thence by a direct line across the western opening or channel, to the western extremity or end of the island of Presque Isle ; thence around the outside or northern shore of the island to the eastern end or extremity thereof ; thence by a direct line across the eastern channel to the shore of the lake, at and near the northeast corner of the sixty-acre reservation, called the Garrison ground ; thence along the eastern and southern boundary of said reservation to the north end of Ash Lane, to the place of beginning ; together with all the streets, lanes, public squares and public grounds, included within the limits and territory thus added and annexed ; and the jurisdiction of the corporate authorities and other affairs of said borough is hereby extended to the limits aforesaid ; and all persons residing on the territory thus added and annexed shall be taken and considered as inhabitants of the Borough of Erie, entitled to all the privileges of the citizens of said borough, and subject to all the laws and ordinances of said borough ; and so much of the territory and population thus added and annexed, as lies east of State Lane and

supplied, shall remain in force in said city, in the same manner and with the same effect as if this Act had not been passed; *provided*, that the said ordinances, by laws, rules and regulations shall, within four months after the passage of this Act, be recorded, as aforesaid, with the certificate of the clerk for the time being of the publication thereof.

April 14, 1861.
§ 1 P. L. 631.

20. That all the estate and property whatsoever, real, personal, or mixed, and all choses in action, claims or demands of the Borough of Erie, or of the Burgess or Town Council thereof, are hereby vested in the corporation or body politic of the City of Erie, in the same manner and for the same estate which the corporate authorities of said borough held or had therein; and all suits now pending may be prosecuted to judgment by and for said city, in the same manner and with the same effect as could have been done by said Burgess and Town Council if this Act had not been passed. And all judgments, suits, claims and demands whatsoever against said borough, are hereby transferred to and shall continue and may be prosecuted against said city as fully and completely as they could have been against said Burgess and Town Council if the borough charter had not been abolished.

Id. § 12.
All property claims, assets, suits and liabilities of the borough transferred to the city.

BOROUGH OF SOUTH ERIE.

21. That all that territory now lying and situated in Mill Creek township, in the County of Erie, and comprised within the following boundaries, to-wit: on the north by Buffalo Street (that being the southern boundary of the City of Erie), on the east by Parade Street, on the south by the Ridge Road, and on the west by Cherry Street, and being all composed of out-lots of said City of Erie, be and the same is hereby created into a borough, to be called the Borough of South Erie, and shall enjoy all the rights, powers and privileges, and be subject to all the limitations contained in the general laws of this Commonwealth regulating boroughs, not inconsistent with this Act of incorporation.

Feb. 23, 1866.
P. L. 64.

Borough of South Erie chartered.
Boundaries.

Corporate title.

EXTENSION OF 1870; ANNEXATION OF SOUTH ERIE.

22. That the boundaries of the City of Erie be and are hereby extended so as to be as follows: Beginning at the south line of the shore of the Bay of Presque Isle at the center of Cranberry Street, thence southwardly along the center of said street and along the same line produced straight to a point which would be intersected by producing the south line of reserve tract number twenty-eight westerly, thence eastwardly along the said produced line and the south line of reserve tracts numbers twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and to a point in north line of reserve tract number thirty-four, intersected by the east line of reserve tract number thirty-five, extended to the south line of reserve tract number thirty-three, thence northwardly along said extended line and the east line of reserve tracts number thirty-five, thirty-six, thirty-seven, and thirty-eight, to the shore of the lake, thence westwardly along the shore of the lake to the present eastern line of the City of Erie, and the jurisdiction of the corporate authorities of the City of Erie is hereby extended to the limits aforesaid.

Feb. 25, 1870.
P. L. 242.

Extension of the city limits.
Boundaries.

Feb. 25, 1870. LAWS AND ORDINANCES OF THE CITY EXTENDED TO ANNEXED
§ 1. P. L. 243.

Laws, etc.,
of the city
shall apply
to the an-
nexed terri-
tory.

TERRITORY.

23. All laws relating to the City of Erie and all general ordinances of said city in force at the passage of this Act are hereby extended to the inhabitants and territories annexed to said city by this Act, and all laws, ordinances, rules and regulations inconsistent with the provisions of this Act are hereby repealed.

Id. § 6. P. L.
244.

Ordinances
of the Bor-
ough of
South Erie
to remain in
force.

Proviso.

24. All ordinances passed by the Burgess and Council of the Borough of South Erie in regard to the opening and laying out of streets, the width, construction and improving of sidewalks and sewers shall be enforced and carried out by said corporate authorities of the City of Erie: *Provided*, that the provisions of this section shall not be construed to limit the power or jurisdiction of the city authorities to pass ordinances, rules or regulations relative to streets, sidewalks and sewers same as in original city limits.

Id. § 5. P. L.
243.

Property of
the Borough
of South
Erie vested
in the City
of Erie.

Debt of
South Erie
assumed by
the City.

Millcreek
Town Hall.

25. All the real and personal property acquired or contracted for by the Borough of South Erie, and all school sites and houses within the boundaries above described, shall be vested in the respective corporate authorities of the City of Erie, and all debts contracted by the respective corporate authorities of the Borough of South Erie shall be paid by the City of Erie, and all claims or debts owed or held by South Erie may be collected in the name of the City of Erie; the said City of Erie shall also within six months from and after the passage of this Act pay to the Road Commissioners of Millcreek Township for the town house or hall and lot belonging to said township and included in the foregoing boundaries, two-thirds of the original cost of the same, to be used by said Road Commissioners in providing places of election in the election

of the Peace of the County of Erie in the same manner as ^{March 20, 1811} other fines are recoverable, which shall be applied to improving the roads from the town of Erie, to and from the said landing. (a)

(a) The dedication of a piece of ground for a public landing is irrevocable. It will inure to the use of the public in general. *Commonwealth vs. Philadelphia*, 16 P. S. 79.

CESSION OF LAND TO UNITED STATES.

The Act of April 2, 1811, P. L. (Boren) 240, provides for ceding to the United States for light-house purposes

only from two to four acres east of the town.

The Act of January 25, 1850, P. L. 22, granted consent of the Legislature for the purchase by the United States of banking house property, the same to revert to the State "whenever the United States shall cease to occupy the same for the purpose of the government."

Fishing in Lake Erie.

1. Boundary lakes, etc. bay and peninsula; food fish; minor food fish; bait fish.
2. Legal fishing appliances; penalty; forfeiture.
3. No nets in bay or peninsula; proviso; penalty.
4. Length of fish that may be legally caught; penalty.
5. No net within two miles of channel, nor within three-fourths mile of any shore; kind of nets permitted outside; penalty.
6. No fishing except by hook and

line, etc. between November 15 and March 15; penalty.

7. Gill nets and pound nets, size of mesh; penalty.

8. Fishing license; penalty.

9. Issue of license; term of; proviso; license to be shown on demand of officials; penalty.

10. Duty of officers; seizures; arrests; when county to pay costs.

11. Warrants; hearings; penalty.

12. Councils may regulate bathing and fishing in the harbor.

1. Be it enacted, &c., That in such part or parts of lakes, of ^{April 22, 1905.} more than five thousand acres, lying between this and any other ^{§ 1. P. L. 272.} State or foreign country, as this Commonwealth has jurisdiction over, and in any water on any peninsula or in any bay adjacent to or connected with such lake, the following named species of fish are hereby made specifically within the provisions of this Act, to-wit: All species or varieties of black or yellow bass, rock bass, calico bass or strawberry bass, crappie, muscallogne and grass pike, which for the purposes of this Act ^{Boundary lakes, etc.} are hereby classified and hereinafter designated, as game fish; ^{Game fish.} and white fish, cisco or lake herring, yellow perch, blue pike, walleyed pike, pike-perch, sand pike, lake trout and sturgeon, ^{Food fish.} which for the purposes of this Act are hereinafter designated as food fish. All other species of fish, not described above, shall hereafter be known, for the purposes of this Act, as minor food fish, excepting minnows and killifishes, which shall hereafter, for the purposes of this Act, be designated as minnows or bait fish. ^{Minor food fish.} (a) ^{Bait Fish}

2. That it shall be unlawful to fish for or capture any game fish in any waters, within the jurisdiction of this Commonwealth, described in the first section of this Act, in any manner or with any device or appliance or by any means whatsoever, except a rod and line having not more than three hooks, ^{Id. § 2.} or with a hand-line having not more than three hooks, ^{Legal fishing appliances.} or with a trolling line with spoon hooks attached; or, for food fish or minor food fish, with any device not specifically permitted in

(a) *Dunlap v. Comth.*, 108 Pa., 607. Powers of the State absolute over Lake Erie.

<u>April 22, 1905.</u>	this Act. Any person violating any provision of this section shall, on conviction thereof, be subject to a penalty of twenty-
Penalty.	five dollars, or, in default of payment, undergo an imprisonment in the county jail for a period of one day for each dollar
Forfeiture.	of fine unpaid, except where otherwise provided; and any device, appliances or boats used in violating any of the provisions of this section shall be forfeited to the Department of Fisheries.
<u>Id. § 3.</u>	3. That it shall be unlawful to fish for any kind of fish, in any bay or in any waters on any peninsula described in the
<u>No nets in bay or peninsula.</u>	first section of this Act, with nets or devices, or means of any kind, except a rod and line having not more than three hooks, or with a hand-line having not more than three hooks attached, or with a trolling-line with spoon-hooks attached, at any time in the year: Provided that nothing in this section shall be so constructed as to prohibit the use of minnow nets for angling or scientific purposes, or to prohibit the Department of Fisheries from catching fish, at any time of the year, with nets, for the purpose of stocking other waters, or for taking spawn, or from removing, by means of nets, by contract or otherwise, any fish which it may deem injurious to other game or food fishes. Any person violating any of the provisions of this
Proviso.	section shall, on conviction, be subject to a penalty of twenty-
Penalty.	five dollars, or, in default of payment, be imprisoned in the county jail for a period of thirty days; and all nets, devices, appliances or boats used in violating any of the provisions of this section shall be forfeited to the Department of Fisheries.
<u>Id. § 4.</u>	4. That it shall be unlawful to catch and kill in any waters, within the jurisdiction of this Commonwealth, described in the
<u>Length of fish which may be legally caught.</u>	first section of this Act, or have in possession, either alive or dead, any rock bass, crappie, strawberry or calico bass, less than five inches in length; or any species of black or yellow bass, or any grass pike, less than nine inches in length; of any muscallogne, less than fifteen inches in length. Any person
Penalty.	violating any of the provisions of this section shall, on conviction, be subject to a penalty of five dollars for each and every

6. That it shall be unlawful to fish with any nets, or other devices of any description, excepting a rod and line having not more than three hooks, or a hand-line having not more than three hooks, or with a trolling-line with spoon-hooks attached, in any waters of any part of any lakes described in this Act, over which this Commonwealth has jurisdiction, from the fifteenth day of November of any year to the fifteenth day of March of the succeeding year. Any person or persons who shall use, set, or fish with, any nets or other devices whatsoever, excepting those described in this section, during the period named, shall, on conviction, be subject to a penalty of one hundred dollars, or, in default of payment, each person convicted shall be imprisoned in the county jail for a period of three months, and all boats, nets and other appliances used, together with any fish which may have been caught, shall be forfeited to the Department of Fisheries.

April 22, 1906.
Sec. 12

No fishing except by hook and line and between Nov. 15 and Mar. 15.

Penalty.

7. That it shall be unlawful to fish in any part of the waters described in this Act, over which the Commonwealth has jurisdiction, with any gill-net having a mesh less than three and one-eighth inches, stretched measure; or with any pound-net with the net of the entire crib, having a mesh of not less than two and one-half, stretched measure, or one and one-fourth inch bar. Any person or persons fishing, at any time of the year, with gill-nets or pound-nets having meshes of less size than those herein described shall, on conviction, be subject to a fine of (\$100) one hundred dollars, or, in default of payment, each person convicted shall be confined in the county jail for a period of three months; and all boats, nets and other appliances used, together with any fish caught, shall be forfeited to the Department of Fisheries. (a)

Id. § 13.

Gill-nets and pound-nets.

Size of mesh.

Penalty.

8. That it shall be unlawful for any person, persons, company or corporation to operate for the purpose of catching fish, any boat, boats, net, nets, or device whatsoever, except a rod and line having not more than three hooks, or a hand-line having more than three hooks, or with a trolling-line with spoon hooks attached, or with set-line with hooks attached, in any part of any lakes described in this Act, over which the Commonwealth has jurisdiction, without having first paid into the hands of the Department of Fisheries the following amounts as license fees, to-wit: For each row or sail-boat, used in fishing with gill-nets, five dollars; for each boat of any other kind, under ten tons gross burden, so used, ten dollars; for each boat of any kind, of from ten to twenty tons gross burden, so used, fifteen dollars; for each boat of any kind over twenty tons gross burden, so used, twenty dollars; for each pound-net, ten dollars; each fyke-net, one dollar; for any other form of net or device, not less than one dollar or more than five dollars, as the Department of Fisheries may determine; and any person, company or corporation operating, or employing others to operate, any boat, net, device or devices, without having procured from the Department of Fisheries a license, as provided in section fourteen of this Act, authorizing him, them or it so to do, shall,

Id. § 14.

Fishing license.

(a) Sec. 21 provides that this section shall not take effect until March 15, 1906.

April 22, 1906.	on conviction, be subject to a penalty of twenty-five dollars, or
Penalty.	in default of payment, be imprisoned in the county jail for a period of one day for each dollar of fine unpaid; and all nets, devices and boats, and appliances used in operation of said nets or devices shall be forfeited to the Department of Fisheries -
<u>Id. § 16.</u>	9. That whenever any person, persons, company or corporation shall apply to the Department of Fisheries for a license to operate any boat, boats, net or nets, or other device in any waters in which they may be used legally under the provisions of this Act, the Department of Fisheries shall, upon receiving the fees provided in the fourteenth section of this Act, issue such license, duly signed by the Commissioner of Fisheries, which license shall hold good from the time it is issued until the close of the calendar year in which it is issued, and shall be carried by the operator or operators of said boat, boats, net or nets, device or devices, while they are being used: <i>Provided</i> , however, That no license shall be issued to a non-resident of the Commonwealth of Pennsylvania, nor to the owner or owners of a tug or fish-boat, authorizing such owner or owners to operate such boat or boats in any waters in the first section of this Act mentioned, for the purpose of catching fish, unless the same be enrolled at some port in the Commonwealth of Pennsylvania. Said license must be shown on demand of any fish warden, constable, sheriff, deputy sheriff, Fish Commissioner, or any authorized representative of the Department of Fisheries.
Issue of license.	
Term of.	
Proviso.	
License to be shown on demand of officials.	
Penalty.	Any person having such license in his possession, and refusing to show it on demand, shall be subjected to a penalty of five dollars or be imprisoned in the county jail for a period of one day for each dollar of fine unpaid.
<u>Id. § 19.</u>	10. That from and after the passage of this Act, any Fish Commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, or any special officer, or any peace officer in this Commonwealth, is hereby authorized and commanded to forthwith seize any net, nets, or device whatsoever, that may be used
Duty of officers.	
Seizures.	

it being made before him by the affidavit of one or more ^{April 22, 1905.}
 charging any person with having violated any of the
 ns of this Act, is hereby required and authorized to ^{Warrants.}
 warrant, under his hand and seal, directed to any con-
 nicle officer or warden, requiring such person or per-
 be arrested and brought before such justice of the
 lderman or magistrate, who shall hear and determine ^{Hearings.}
 t or innocence of the person or persons so charged, and
 cted, such justice of the peace, alderman or magistrate
 ntence the person or persons so convicted, severally to
 fine or fines, penalty or penalties, provided in this Act
 i violation or violations, together with the costs of the ^{Penalty.}
 d such fines or penalties shall be appropriated as pro-
 i section eighteen of this Act. (a)

That the Council of the City of Erie with the approval ^{April 2, 1902.}
^{§ 11, P. L. 612.}
 Mayor may pass and enforce such general ordinance ^{Councils}
 shall deem best relative to bathing (b) and fishing in ^{may regulate}
 or harbor of Erie: * * * ^{bathing and}
^{fishing in the}
^{harbor.}

ne 22nd section repeals the Act
 29, 1901, P. L. 335, and also all
 ent acts.

maining sections of this Act
 s follows:

prohibits contamination of the
 f the lake or bay under penalty
 or three months' imprisonment.
 makes it unlawful to fish with
 s or poisonous substances. Pen-
) or six months in jail.

Possession to be evidence of
 of Act.

Use of fish as compost, etc.,
 d. Penalty, \$100 and three
 n jail.

. Prohibits taking sturgeon less
 e feet in length. Penalty \$25
 isonment in default of payment

l. Makes it unlawful to catch
 in 10 black or yellow bass in
 Penalty, \$10 for each of those
 wfully taken, and imprisonment
 t of payment.

5. Stealing fish from licensed
 rohibited. Penalty not exceed-
 or imprisonment in default of
 and forfeiture of boats, etc.

. License fees to be paid into
 asury by Dept. of Fisheries.

l. One-half the fines go to in-
 the other half in the State

Act of May 23, 1889, Art. 5,
 lause 26, ante.

iry of the foregoing fishing
 licable to Presque Isle Bay, the
 a ponds and Lake Erie:

allowing species of fish, which
 nated as "game" fish, are to be
 nly with rod, hook and line, or

hand-line having not more than three
 hooks, or trolling-line with spoon-hooks
 attached. The length, in inches, of each
 fish thus taken must not be less than the
 figures given opposite the name of such
 fish, viz:

Black bass 9; yellow bass 9; rock bass
 5; calico or strawberry bass 5; crappie
 5; grass pike 9; muscullonge 15. Pen-
 alty \$5 to \$25. Fishing with nets not al-
 lowed even in Lake Erie between
 November 15th and March 15th.

It is unlawful to fish with nets any-
 where unless licensed by the Fisheries
 Commission. Penalty \$25. No nets are
 allowed to be set or used within two
 miles of the harbor entrance, and no
 gill-nets are permitted within three
 quarters of a mile of any part of the
 shore. No nets except gill-nets and nets
 supported by poles driven in the ground
 are permitted to be used within seven-
 teen miles of the entrance to the harbor.
 Penalty \$100.

Use of explosives or poisons for the
 purpose of catching fish is prohibited..
 Penalty \$100.

Boats, nets and appliances used in
 violation of this act shall be forfeited to
 the Dep't of Fisheries.

Under the act of April 6, 1903, P. L.
 155, the open season for taking bull
 frogs is from July 1, to November 1,
 and for terrapin from November 1 to
 March 15. Penalty \$25.

Eels may be taken with fish baskets
 with wing walls, from August 25 to
 December 1, provided a license, there-
 for, be first obtained from the County
 Treasurer, which costs \$6 for the sea-
 son. Act of April 27, 1903, P. L. 319.

Under this head the acts below referred to may be of interest, viz:

Act of June 10, 1881, P. L. 101, authorizing the Governor to appoint policemen for corporations organized for the preservation and propagation of fish.

Act of May 22, 1889, as amended by act of June 25, 1895, P. L. 305, for the protection of shad, sturgeon and game fish in the Delaware river.

Act of May 12, 1891, P. L. 52, for protection of penobscot salmon in the Delaware river.

Act of June 25, 1895, P. L. 295, for protection of sturgeon making the open season January 1 to June 30. The act not to go into effect until similar legislation shall have been enacted by the legislatures of Delaware and New Jersey.

Act of March 22, 1899, P. L. 17, makes constables of townships and boroughs ex-officio fire, game and fish wardens.

The act of May 29, 1901, P. L. 302, is apparently intended to be a complete

and exclusive system of regulations for fishing in the inland waters of Pennsylvania, and for the artificial propagation of fish. It designates what species of fish are "game" fish and what species are commercially valuable for food, defines the public waters within the state and repeals and supplies the place of twelve other acts. Its prohibitions and penalties, however, do not apply to Lake Erie, Presque Isle Bay, the Peninsula Ponds, the Delaware River, nor to any fish caught in those waters.

The 9th Sec. of this act was repealed by the act of March 20, 1903, P. L. 45, and the 41st section is supplied by the Act of April 2, 1903, P. L. 128. The latter act creates a State Department of Fisheries, to consist of five persons, one at a salary of \$3,000 and expenses, with clerk at \$1,200 and stenographer, \$600; the other four members to be paid expenses only.

Franchises.

1. Powers of the Erie Gas Co.
2. Company required to repair opening in streets, etc.
3. When privileges granted by this act to be exclusive.
4. Extension of franchise over suburban property.

5. Power to build Erie City Passenger Railway; location; may purchase real estate, etc.; no locomotive or freight cars; grade crossings.
6. Dividends; dividends to city.
7. Shall keep streets in repair where occupied by track; rates of fare.

Mar. 5, 1852.
§ 2. P. L. 117.

Powers of
Erie Gas Co.

1. That the corporation hereby created (The Erie Gas Company) shall have authority of supplying with gas light the City of Erie, and such individuals residing therein as may desire a supply of the same, and for distributing and selling gas

ket house, and all other public buildings which said city may hereafter erect, at a deduction of five per centum from the rates charged property holders and others by said company. Mar. 5, 1853.

3. That if said company shall erect the gas buildings, and lay down and construct the gas pipes and other appurtenances, and shall proceed as hereinbefore provided to furnish the inhabitants of said city with light from the gas manufactured by said company, at a price not exceeding the average rate charged by other cities, boroughs, or towns, upon the shore of Lake Erie, whether in the State of New York, Ohio, or Pennsylvania, wherever gases are manufactured by private incorporated companies, or may hereafter be manufactured by private companies, then the privileges hereby granted to be exclusive but not otherwise; it shall not be lawful for the agent or agents, or other officers of said company, to stop off the gas from any consumer, except for the purpose of repairs or unavoidable accident, who is willing to pay, and tenders the amount due by such consumer for gas already consumed, according to the rate as fixed by this section. Id. § 11.
When privileges granted by this Act to be exclusive.

4. That all the provisions of an Act of Assembly, entitled, "An Act to Incorporate the Erie Gas Company," approved on the Fifth day of March, Anno Domini eighteen hundred and fifty-two, shall be and the same hereby are extended to and over, and shall have the same force and effect, in the Borough of South Erie, and so much of the Township of Mill Creek as lies within one mile of the present external limits of the City of Erie, as if the same had originally been embraced therein; and the Erie Gas Company may therein hereafter do and perform any and every act or thing that said company may now lawfully do, within the present limits of the City of Erie. (a) Mar. 9, 1867.
§ 1. P. L. 372.
Extension of franchise over suburban property.

5. That said company (Erie City Passenger Railway Company) are hereby authorized and empowered to construct a railway, to be worked by horse power, and to convey passengers over the same by single or double track, from the corner of Second and Holland Streets in the City of Erie, westwardly to State Street; thence southwardly along State Street, Turnpike and Peach Street, to the Ridge Road, with branches as follows: One connecting at Eighth Street running westwardly on Eighth Street to Raspberry Street; one connecting at Eleventh Street, and running eastwardly on Eleventh Street to Parade Street; thence southwardly on Parade Street to Fourteenth Street; thence eastwardly on Fourteenth Street to Wallace Street; also one connecting at, or south of Buffalo Street, running westwardly on such street or streets as shall be deemed best by the board of managers, and along Brown's Avenue to its intersection with the Ridge Road, whenever the subscription by the residents along said branch line shall be sufficient to build the same, and which subscriptions shall be reserved to Mar. 1, 1867.
§ 2. P. L. 308.
Power to build Erie City passenger railway.
Location.

(a) The Acts of March 29, 1855, P. L. 145; March 24, 1858, P. L. 155; March 17, 1859, P. L. 159; April 2, 1860, P. L. 611; April 14, 1863, P. L. 402, and April

30, 1864, P. L. 673, provided for lighting the streets of the City of Erie with gas and assessing part or all the expense thereof on the adjacent property.

Mar. 1, 1867. apply on said work; (a) also on such other streets of said City of Erie, Borough of South Erie, or Township of Mill Creek, as may be deemed advisable by the board of managers, subject, nevertheless, to the assent of the corporate authorities, as above named; the said company shall have the right to purchase and hold any real estate, and erect thereon such buildings and improvements as may be necessary for its use, and also to purchase necessary rolling stock and equipments for said railroad; and no locomotive or freight cars shall be allowed to use said track, or any portion thereof, except to cross the same; and said company shall have power to cross with their track, at grade, any other lines of railroad now constructed, or hereafter to be constructed, in the City of Erie, the Borough of South Erie, or the Township of Mill Creek, across their route.

Id. § 5, P. L.
304.

Dividends.

6. The dividends of so much of the profits of said company, as may appear advisable to the board of managers, shall be declared in the months of January and July, in each and every year, and shall be payable at the office of said company, after ten days from the time of declaring the same: *Provided*, Said dividend, shall not in any case, exceed the amount of net profits of said company, so that the capital stock shall never be impaired thereby, and if the said directors shall make any dividends which shall impair the capital stock of the company, the directors consenting thereto shall be liable, in their individual capacities to said company, for the amount of the capital stock so divided, recoverable by action of debt, as in other cases; and each director present when such dividend shall be declared shall be considered as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend; and whenever the dividends of said company shall exceed six per cent. per annum, on the capital stock, said company shall pay to the City Treasurer, six per cent. on any such surplus over six per centum, for the use of said City of Erie.

Dividends to
City

Id. § 6, P. L.

* * * * That said company shall keep that portion of

to or returning from school, subject, nevertheless, to such or ^{Mar. 1, 1887.} ordinances and regulations, in regard to said railway, as may be established by the above mentioned authorities. (a)

(a) Section 7, which required the road to be completed within two years, was repealed by Act of March 12, 1868, P. L. 302.

The Erie Electric Motor Company was chartered Oct. 1, 1888, for the purpose of generating and supplying electricity in the City and County of Erie, for operating street passenger railroads, and to use electricity for the movement

of passenger cars on street railroads, P. L. 1889, page 279, title "Charters of Corporations."

See Act of March 22, 1887, P. L. 8, and amendment thereto of July 2, 1895, P. L. 430, for the manner of forming motor power companies for the purpose of operating passenger railways by cables, electricity or otherwise.

GAME LAWS (Abridgement)

See "fishing in Lake Erie"

Number by One Person.	Open-Season.
unlimited	October 1 to March 1.
unlimited	September 1 to January 1.
each season	September 1 to January 1.
in one day, twenty in one week and fifty	November 15 to December 1.
one season	October 15 to December 1.
in one day, twenty in one week and fifty	October 15 to December 1.
one season	November only.
unlimited	November only.
in one day, forty in one week and seventy	September 1 to January 1, and the first fif-
in one season	teen days of April.
in one day, one hundred in one season	October 15 to December 1.
in a day, ten in one season	October 1 to December 1.
in one day, four in one season	October 1 to December 1.
in one day, twenty in one week and fifty	September to January 1.
one season	September to May 1.
of combined kinds in one day	July 15 to December 1.
unlimited	
unlimited	

d In possession only during the open season for such game and for fifteen days there-
d pheasant or quail, commonly called Virginia partridge, killed within the Common-
fled grouse, commonly called pheasant, killed outside the Commonwealth can be sold
open season for like birds in the Commonwealth and for thirty days thereafter. No
without the Commonwealth can be bought or sold at any time.

on.
er in any manner removed out of the State.
r crow. Coopers hawk, sharp-shinned hawk, duck hawk, pigeon hawk, great-horned owl,
r ground hog, fox, wildcat, weasel, mink and skunk are not protected and may be killed
wild animals, and birds has been declared unconstitutional by a lower court. Act of

Harbor of Erie.

- | | |
|--|---|
| <p>1. Regulation and preservation of canal basin and wharves.</p> <p>2. State Street wharf; dockage.</p> <p>3. Regulating vessels in the harbor; wharf rules.</p> <p>4. Councils may build wharves and collect wharfage.</p> | <p>5. Harbor Master; his powers; penalty for non-compliance with directions of Harbor Master; may appoint deputies.</p> <p>6. Power to establish harbor fees; collection thereof.</p> |
|--|---|

1. Until the Legislature shall otherwise provide, the Burgess and Town Council of the said borough shall have power to enact ordinances for the preservation of the canal basin now being erected in the Bay of Presque Isle, the pier work thereof, and all public bridges, wharves and other appendages and constructions connected therewith, and for regulating the manner in which the same may be used by the public, with such restrictions, prohibitions and penalties as shall appear conducive to the public interest and welfare of the Commonwealth.

April 15, 1884
§ 2. P. L. 520.
Regulation and preservation of canal basin and wharves.

2. That the Select and Common Councils of said city are hereby authorized to make such rules and regulations as to the use and control of the causeway extending from the foot of State Street into the Bay of Presque Isle and public dock connected therewith as they may deem proper and necessary, and make such charges for the use of the same, or any part thereof, as may be deemed expedient, and to enforce the collection thereof in such manner as they may deem proper.

April 2, 1880.
§ 4. P. L. 612.
State Street wharf; dockage.

3. The Burgess and Town Council of the said Borough of Erie shall have power and authority to make, ordain and establish such rules, regulations and ordinances, with such penalties for the breach thereof, as they shall deem fitting and proper, for the moving of all steamboats and other vessels, canal boats and all other craft in the harbor of Erie, and for regulating and determining the order and manner in which they lay at the wharves to load and unload, and for their removal to make room and accommodate others; for clearing the docks and wharves, and preventing nuisances about the same, and for all other purposes and objects which the health, good order and accommodation of business may require; all which rules and regulations and ordinances shall be made and published and under and subject to all the conditions and provisions as provided in the ninth section of the Act of incorporation, passed eighth April, one thousand eight hundred and thirty-three; (a) all penalties, fines and forfeitures to be sued for and recovered and appropriated, as is provided for in other similar cases in the Act of incorporation aforesaid.

April 10, 1848.
§ 7. P. L. 480.
Regulating vessels in harbor.

4. * * * * * The said Burgess and Town Council shall have power to erect and build, or cause to be erected and built, such and so many wharves (b) and landings as they shall think proper, and extend the same to such distance into the Bay of Presque Isle, opposite to the said borough, and the lots and streets of the same, from time to time, as they shall deem necessary and useful, and to charge and receive reason-

Wharf rules.

April 8, 1832.
§ 9. P. L. 275.
Councils may build wharves and collect wharfage.

(a) See *Infra* 4.

(b) See Act of May 23, 1889, Art. 5, Sec. 3, Clause 32, *ante*.

April 8, 1833. able tolls and wharfage, and also to permit and authorize individuals to erect and build wharves in the same manner.

* * * (a)

April 10, 1848.
§ 8, P. L. 430.

Harbor Master.
His powers.

5. The Burgess and Town Council of the said Borough of Erie shall have power and authority, from time to time, to appoint a resident citizen of the said borough to be Harbor Master, and the same to remove at pleasure; and the said Harbor Master, so appointed as aforesaid, shall have power and authority to carry into execution, and to compel obedience to all such rules, regulations and ordinances as said Burgess and Town Council shall enact, ordain and establish, in pursuance and by virtue of the authority granted them in the preceding section, or by any previous or subsequent law. If any master of any steamboat, vessel, canal boat or any other craft, shall refuse or neglect to comply with the directions of said Harbor Master, in matters within the jurisdiction of his office, or if any person or persons shall prevent or obstruct the said Harbor Master in the execution of his duties, such Master, or other person or persons for each and every such offense, shall severally forfeit and pay a sum not exceeding one hundred dollars, to be sued for, recovered and appropriated as other fines and forfeitures, as provided in the Act of incorporation; and said Harbor Master shall have authority to appoint one or more deputies to assist him in the execution of the duties of his office.

Penalty for non-compliance with directions of Harbor Master.

Harbor Master may appoint deputies.

Id. § 9.

Power to establish harbor fees.

Collection thereof.

6. The Burgess and Town Council of the said Borough of Erie shall have power and authority, from time to time, to ordain and establish a bill of fees and charges upon all steamboats, vessels, canal boats and other craft loading or unloading in the harbor of Erie, which the said Harbor Master shall be entitled to demand, ask, sue for and recover from any master or owner of such steamboat, vessel, canal boat or other craft, as aforesaid, for his services in attending to the duties of his appointment.

Indebtedness.

- | | |
|--|--------------------------------------|
| 1. City of Erie authorized to refund its debt not exceeding \$1,000,000. | 3. How disposed of. |
| 2. How bonds shall be issued. | 4. To be exempt from local taxation. |

1. That the Select and Common Councils of the City of Erie shall be and are hereby authorized and empowered to cause to be issued bonds in the name of the City of Erie, with or without coupons, to an amount not exceeding one million dollars (\$1,000,000), bearing interest at a rate not exceeding seven per centum per annum, to be used for the purpose of redeeming and retiring outstanding bonds of said city now due, or which may hereafter become due, and for no other purpose.

June 6, 1872.
§ 1, P. L. 338.
City of Erie
authorized
to refund its
debt, not ex-
ceeding
\$1,000,000.

2. All bonds issued in pursuance of the foregoing authority shall be in such form and amounts and payable at such times and places as Councils may by ordinance direct; *Provided*, They shall each be signed by the Mayor, and countersigned by the Comptroller, sealed with the corporate seal of said city, and attested by the Clerk of the Select Council; *Provided*, said bonds shall be issued in sums not less than one hundred dollars each.

Id. § 2.
How the
bonds shall
be issued.

3. When any bonds shall have been executed in pursuance of the foregoing authority, the same shall be sold in such manner as Councils may direct, and the moneys received therefor, shall be appropriated to the redemption of bonds due or overdue of said city, or the bonds so issued may be exchanged for other bonds of said city then due or to become due; *Provided*, that no bond shall be sold or exchanged for less than ninety (a) per cent. of its par value.

Id. § 3.
How dis-
posed of.

4. All bonds issued in pursuance of this Act shall be exempt from county and local taxation.

Id. § 4.
To be ex-
empt from
local taxa-
tion.

(a) See Act of May 23, 1889, Art. 5, Sec. 3, Clause 6, prohibiting the sale of bonds at less than par.

Legislative Department.

1. Election of President of Select Council.

2. Election of President of Common Council.

3. Election of clerks of Councils; duties.

4. Sessions to be open; disturbing the meetings.

5. Recording of ordinances.

6. Ordinances in book form to be presumptive evidence.

Mar. 17, 1859.
§ 2. P. L. 158.

Election of
President of
Select Coun-
cil.

1. * * * The Mayor shall cease to act as President of the Select Council, and said Council shall annually choose one of its members to preside at its deliberations, who shall vote as other members.

April 14, 1851.
§ 3. P. L. 631.

Election of
President of
Common
Council.
Id. § 8.

2. * * * The Common Council shall annually choose one of its members to preside at its deliberations, who shall vote as other members. * * *

Election of
clerks of
Councils.
Duties.

3. Each body shall appoint a clerk, who shall make and keep a full record of its proceedings, recording the names of the members present; and all ordinances, by-laws, rules and regulations of said Councils shall be signed by the Mayor and clerks of the respective Councils. * * *

Id. § 7.
Sessions to
be open.
Disturbing
the meetings.

4. * * * The doors of the respective halls of said Select and Common Councils shall be open for the admission of all orderly and peaceable persons who may choose to attend the sessions thereof. And said Councils may provide by ordinance for the punishment, by fine, of any person or persons who shall, by any disorderly conduct, disturb either of the respective sessions, either body may expell such person from the hall at its sessions.

April 30, 1864.
§ 16. P. L. 675.

Recording of
ordinances.

5. All ordinances * * * shall be recorded by the clerk of the Select Council in a book provided for that purpose, and kept in the Select Council room, which book shall be at all times, open to the inspection of any citizen, without fee, or charge, and all laws, requiring the ordinances of said city, to be recorded in the office of the Recorder of Deeds, of said county, be, and the same is hereby repealed. (a)

Ordinances published, or purport-
ing to be published, shall

Licenses.

- | | |
|---|--|
| <p>1. Conduct of hackmen, runners, etc.; rates of fare.</p> <p>2. Licensing of hacks, drays, omnibuses, carts, etc.; prices to be charged; security for good conduct.</p> <p>3. Additional licenses for hotels, billiard tables, bowling saloons, etc.; not</p> | <p>to exceed \$50; how assessed, advertised, collected and applied; appeal.</p> <p>4. Power of councils to fix time of closing saloons; power of mayor in case of threatened disorder.</p> <p>5. City to receive one-half of billiard license.</p> |
|---|--|

1. That the Councils shall have general power and authority to regulate by ordinance the conduct of hack, omnibus and cab drivers, draymen, runners and porters, and the prices and charges to be charged or received by the same, as well within the city as for services or trips, either terminus of which shall be within said City of Erie, and not extend more than one mile from the city limits.

April 15, 1858
§ 5, P. L. 292.

Conduct of
hackmen,
runners, etc.
Rates of
fare.

2. The Councils of said city shall have power to license such and so many persons to use hacks, cabs, omnibuses, carriages, carts, drays and wagons as public conveyances, as said Councils shall deem necessary and proper, and at such rates per annum as said Councils shall prescribe, and shall have power to prevent any person or persons from keeping or using either or any of the vehicles above named, without having first taken out a license as aforesaid under such penalties as said Councils may ordain; and shall have power to fix and regulate from time to time as often as they shall think necessary, the prices to be charged by any person or persons licensed as aforesaid, for carrying any passenger, baggage or load in said city, and shall have power to require such security for good conduct and obedience to the ordinances of said city in respect to such business, from the person so licensed, as they shall deem right and proper. (a)

April 30, 1864
§ 5, P. L. 673.

Licensing of
hacks, drays,
omnibuses,
carts, etc.

Prices to be
charged.

Security for
good con-
duct.

3. That in addition to the license fees now charged by law on all billiard tables and bowling saloons, beer saloons, oyster saloons, restaurants, eating houses, groceries and taverns, at which intoxicating drinks are sold in said city, it shall be lawful for the Councils of said city to assess, by ordinance or resolution, on the keepers or proprietors of such billiard tables, bowling saloons, beer saloons, oyster saloons, restaurants, eating saloons, groceries and taverns, a license fee of not more than fifty dollars for the use of said city; (b) and said licenses, when so assessed, shall be collected by the Treasurer of said city, and shall constitute and be a fund for the payment of the police of said city, and for no other purpose whatever; and the amount of license to be paid by the various parties liable to pay the sum under this Act, shall be assessed and adjusted at such rate as they shall deem right and proper; and said assessment, when completed, shall be published for one week in one English and one German paper in said city, the expense of which, together with the expense of collecting said licenses,

Mar. 26, 1862
§ 5, P. L. 174.

Additional
license for
hotels, bil-
liard tables,
bowling sal-
oons, etc.,
not to exceed
\$50.

How assess-
ed, adver-
tised, col-
lected and
applied.

(a) See Acts of April 27, 1852, Sec. 11, P. L. 472, May 6, 1857, P. L. 408, and Act of May 23, 1889, Art. 5, Sec. 3, Cl. 4, 27..

(b) See Act of May 23, 1889, Art. 5, Sec. 3, Clause 4, *ante*.

Mar. 25, 1862 shall be paid out of the fund raised by the said licenses; and if any person or persons shall neglect or refuse to pay said license within sixty days after the final assessment of the same, the amount of license due from such person shall be collected in the same manner that fines and penalties due said city are now by law collected; *provided*, that persons so assessed as afore-said, may appeal to the next regular meeting of said Councils, at which time said appeal shall be heard and disposed of.

Appeal.

Id. § 2 P. L. 173.

Power of councils to fix the time of closing the saloons. Power of the Mayor in case of threatened disorder.

April 30, 1864.
§ 14, P. L. 675.

City to receive one-half of billiard license.

4. They shall also have power to fix the time at which all places for the sale of intoxicating liquors, whether distilled or fermented, in said city, shall be closed in the evening; and shall also have power to authorize the Mayor to close all places at which such intoxicating drinks are sold, whenever, in his opinion, the public peace and safety require it, for such time as he shall deem expedient, not exceeding forty-eight hours.

5. One-half of the license fees charged by law on * * * billiard saloons, dining saloons * * * in said city, shall, when collected, be paid into the treasury of said city.

Mayor.

1. Vacancy in the office of Mayor, how filled.
2. Powers of Mayor's Court.

3. Appeals from judgments.
4. May remit fines.
5. Powers of Policemen.

Mar. 25, 1862.
§ 1, P. L. 173.

Vacancy in the office of Mayor, how filled.

1. That whenever a vacancy shall occur in the office of Mayor of said city by death, resignation, removal from the city, or otherwise, it shall be lawful for the Councils of said city, in joint convention met, to fill said vacancy by the election of a legally qualified citizen thereto; and such appointment so made shall continue until the next annual election for

tached to the breach of said ordinance, with all costs, and if on the final hearing of the case the Mayor or Magistrate shall give judgment against the defendant or defendants, and the said judgment and costs shall not be forthwith paid or secured to be paid within ten days by good security in the nature of special bail absolute for debt and costs, the Mayor or Magistrate shall have power to commit the said defendant or defendants to the county jail or city lock-up, or put at public labor for a period not exceeding thirty days, or until said judgment and costs be paid; *provided*, that defendant or defendants may appeal from said judgment when the same exceeds ten dollars, upon entering into recognizance with one or more sufficient sureties conditioned that he or they will pay the debt and all cost that has or may accrue if the final determination of said appeal is against the said appellant or appellants. (a)

APPEALS FROM MAYOR'S AND MAGISTRATE'S COURTS.

3. That if any person shall think himself aggrieved by any judgment rendered against him by the Mayor or any of the Justices of said city for any penalty inflicted by or under any Act of Assembly respecting said borough or city, or any of the ordinances, by-laws, rules or regulations of the same, such person may, if such judgment shall exceed the sum of five dollars, exclusive of costs, appeal to the next Court of Common Pleas, in and for the County of Erie: *Provided*, such appellant shall enter into recognizance and be bound with one or more sufficient sureties in a sum sufficient to cover such judgment, and all costs that have accrued or thereafter may accrue, conditioned that such defendant shall prosecute his appeal with effect; and *provided*, that such appeal may be taken, recognizance be entered into and a transcript thereof filed in the Prothonotary's office within twenty days after the rendition of such judgment: and said city shall have a similar right of appeal on complying with the same conditions and provisions, if the judgment of the Mayor or Justice shall be adverse to said city, in a similar amount. (b)

4. * * * The said Burgess shall have power to mitigate or remit fines and forfeitures in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said Burgess.

5. The police constables of said city shall have power to arrest, with or without warrant, any person guilty of any crime or misdemeanor, or of any breach of any city law, ordinance or regulation to which a penalty is attached, and take such person forthwith before the Mayor, or any Magistrate, to be dealt with as required by law, and the ordinances and regulations of said city. (c)

(a) See Act of May 23, 1889, Art. 7, Sec. 3.—See also *Infra* 3 and 4.

(b) See Act of May 23, 1889, Art. 7, Sec. 8.

(c) See Act of May 23, 1889, Art. 5, Sec. 3, Clause 21, *ante*.

April 30, 1864

April 14, 1851.
§ 15. P. L. 631.

Appeals
from judgments.

April 8, 1833.
§ 11. P. L. 275.

May remit
fines.

April 30, 1864.
§ 10. P. L. 674.

Powers of
policemen.

Parks.

1. Public Park authorized.

2. City limits may be extended so as

to include said park; shall become parts of adjoining wards.

April 10, 1873.
§ 1. P. L. 594.

Public Park authorized.

1. That the City of Erie is hereby authorized and empowered to purchase, or to accept as a gift. a tract of land for a public park in Millcreek township, in the County of Erie, containing not to exceed sixty acres, upon such terms and conditions as may be agreed upon with the person or persons giving or selling such land to said city, and said parks shall be subject to all laws, ordinances and regulations now in force in said city; *provided*, that said park shall be located at a distance not to exceed three hundred rods eastwardly from the present eastern limits of said city.

Id. § 2.

City limits may be extended so as to include said park.

2. That upon the petition of a majority of the owners of the land situate between the City of Erie and the east side of the proposed public park, and between the Lake Shore & Michigan Southern Railroad Company's main line and the public road known as the Lake road, the Councils of said city shall have power to extend the limits of said city so as to embrace said land or so much thereof as they may deem for the interest of said city; *provided*, that the land so added shall constitute and be part of the several wards adjoining the same on the west side.

Shall become parts of adjoining wards.

Party Walls.

1. Party walls not to be built without notice to the City Engineer.

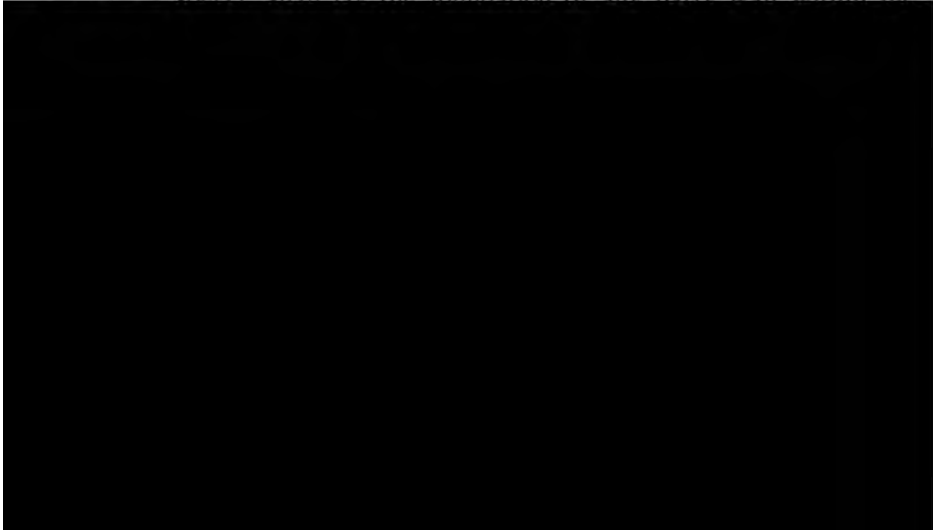
2. Power to enter upon lands of any person, to set out and regulate party walls; original builder to be re-imbursed.

3. Penalty for non-compliance.

4. Party wall rights shall pass to purchaser unless otherwise expressed in deed.

April 16, 1857.
§ 1. P. L. 222.

1. That no person or persons, builder or builders, what-soever, shall lay the foundation of any party wall within the



thereof, which foundations shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builders shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall, in any ways use or break into the said wall, the charge, or value thereof to be set by the said regulators at the time the second builder wishes to use or occupy the same.

April 16, 1867.
§ 2. P. L. 222.

Original
builder to be
re-imbursed.

3. That if any person shall lay the foundation of any party wall, or of any wall adjoining or upon the line of any public street, lane or alley, within the said city, before the line and boundaries of the said lot or piece of land whereon the said foundations shall be so laid or begun to be laid, shall be adjusted and marked out, and the grade of the said street, lane or alley, and the pavement thereof, be fixed by the said regulators, or any two of them, every such persons, owners, employes and master builder, shall forfeit the sum of twenty dollars, one-half thereof to the city and one-half to the informer, together with costs.

Id. § 3.

Penalty for
non-compli-
ance.

4. That in all conveyances of houses and buildings, the right to and compensation for the party wall built therewith shall be taken to have passed to the purchaser, unless otherwise expressed in the article or deed of conveyance, and the owner of the house for the time being shall have all the remedies in respect to such party wall as the original owner or first builder might have had.

Id. § 4.

Party wall
rights shall
pass to pur-
chaser un-
less other-
wise express-
ed in deed.

Peninsula of Presque Isle.

1. Supervision and control of the Peninsula; how vested; shall be preserved in its present condition; State may annul privileges.

2. Appropriation to Marine Hospital; conditions; shall convey certain lands to State; shall convey title to Peninsula

to the U. S.; purpose; rights reserved to the State.

3. Acceptance of title by Secretary of War; proviso.

4. Appropriations for Erie Harbor, provided Secretary of War accepts title to Peninsula for U. S.; proviso.

1. That the tract of land called the Peninsula, which forms the northern boundary of the harbor of Erie, including all the land above the low water mark, from the main land on the westward to the most easterly extremity of the same, shall be subject to the supervision and control of the City of Erie, but without power to sell or convey, or to cut any live timber or underbrush, or to authorize the same to be done, or to authorize any act that may have a tendency to effect injuriously the stability of the Peninsula, the object and intent being that the said Peninsula shall forever remain in its present condition, so far as may be necessary for its preservation and that of the harbor depending thereon; and the authorities of said city may exercise such supervision and control of the same, by leasing or otherwise, as shall not conflict with the foregoing prohibitions; and all moneys received from leases or otherwise from said Peninsula shall be applied to the support of the Marine Hospital of Pennsylvania, at Erie; *provided*, that no con-

April 2, 1868.
§ 14. P. L. 613

Supervision
and control
of the Pen-
insula.

How vested.

Shall be pre-
served in its
present con-
dition.

April 2, 1868.
§ 14, P. L. 613.

State may
annul the
privileges.

tracts in relation thereto shall be valid unless first approved by the Court of Common Pleas of Erie County; and *pro further*, that the Commonwealth hereby reserves the right any time hereafter, to annul the privileges hereby granted to resume the absolute control of said Peninsula for any other public purposes, in like manner as if this act had been passed. (a)

May 11, 1871.
§ 1, P. L. 731.

Appropriation to
Marine Hospital.

Conditions.

Shall convey
certain lands
to the State.

2. That the sum of thirty thousand dollars is heretofore appropriated to the Marine Hospital at Erie for the purpose of fitting the building for the reception of patients and for the debt of the corporation, but only on the condition that said Marine Hospital corporation shall re-convey to the State of Pennsylvania, by good and sufficient deeds, to be approved by the Attorney General, all lands in any way granted to said Marine Hospital by its act of incorporation, approved March 22, A. D. 1867, and the buildings now thereon, with appurtenances, to be held by the State for the uses and purposes defined in said Act incorporating the Marine Hospital at Erie and on the further condition that said Marine Hospital corporation shall convey to the United States of America all lands it may have to the Peninsula of Presque Isle, obtained from the State of Pennsylvania by Act of Feb. 4, 1869, entitled "Supplement to an Act Incorporating the Marine Hospital at Erie," to be held by said United States, as near as may be to its present condition, and only for the purposes of national defense and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal jurisdiction of the State of Pennsylvania; and the consent of the State of Pennsylvania to such transfer of title only for the purposes and under the limitations hereinbefore mentioned. (b)

Shall convey
title of Peninsula to the
U. S.

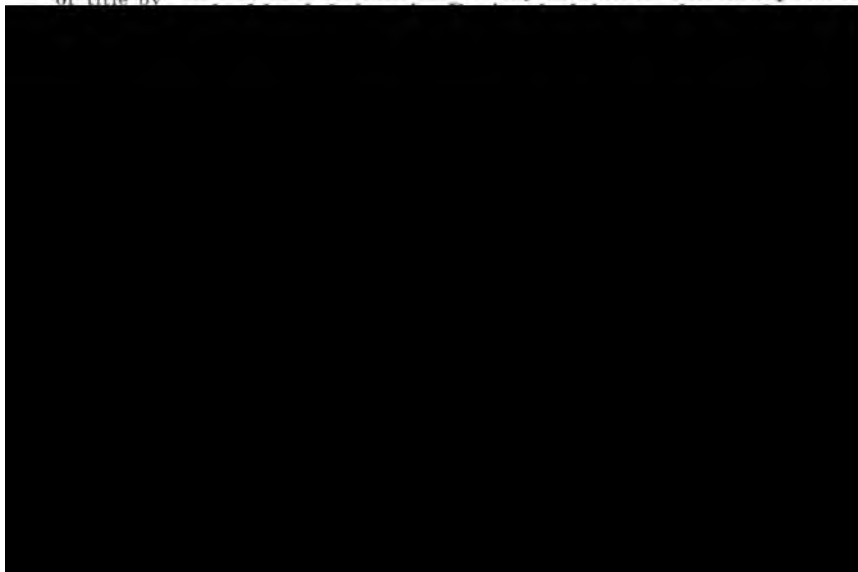
Purpose

Rights reserved to the
State.

May 27, 1872.
p. 165. Acts of
42d Congress,
2d Session.

Acceptance
of title by

3. That the Secretary of War be, and he is hereby authorized and empowered to receive and accept from the Marine Hospital of Pennsylvania, a corporation duly incorporated under the laws of the Commonwealth of Pennsylvania, the title to a piece of



bor of Erie: *Provided*, That the deed conveying the same ^{May 27, 1872} shall not be received or accepted until the title to the same is ^{Proviso.} complete and indefeasible, nor unless the acceptance thereof shall be recommended by a board of officers of the corps of engineers appointed by the President.

4. (a) "Improving harbor at Erie, Pennsylvania; continuing improvement, and also for the improvement of said harbor, as recommended by the Chief of Engineers, January 13, 1885, \$37,000: *Provided*, That the Secretary of War be, ^{Aug. 5, 1886. U. S. Statutes, p. 312.} and he is hereby, authorized and directed to receive and accept ^{Appropriation for Erie Harbor.} for the United States, from the Marine Hospital of Erie, Pennsylvania, the title to the Peninsula of Presque Isle, at Erie, ^{Provided the Secretary of War accepts title to the Peninsula for the U. S.} Pennsylvania, as tendered by the said Marine Hospital, agree-
ably to the provisions of an Act of the Legislature of the State of Pennsylvania, approved May 11, 1871: *And provided further*, That \$22,500 of said sum shall not be expended until the ^{Proviso.} aforesaid title shall be accepted by the Secretary of War."

(a) This is an extract from the River and Harbor Bill of the Forty-ninth Congress, first session, approved by the President August 5, 1886, U. S. Statutes 1885-6, page 312.

The Act of April 18, 1795, P. L. (3 Bioren) 235, *ante* ordered one lot of 30 acres on the Peninsula, near the harbor entrance and one other lot of 100 acres

on the Peninsula to be surveyed for the use of the United States for forts, arsenals, magazines and dock yards.

The Act of April 29, 1903, P. L. 336, (see title Water Dept.) grants to the Erie Water Dep't. 175 acres on the Peninsula, with right of way for a wagon road to the mainland, for the purpose incident to supplying the city with water.

Sewers.

1. Sewer assessments 20 feet beyond upper end of sewer.
Pavements and sewers may be

paid from general fund if Councils so order.

1. In assessing special taxes for the construction of sewers, it shall be lawful to extend the taxation on the land fronting on the street in which the sewer shall be constructed, to the distance of twenty feet beyond the upper extremity of such sewer, so that said twenty feet be made to pay its proportion by the lineal feet of the cost of the construction of such sewer; (a) and the Councils shall have power to cause a portion of the cost of paving the carriage way of a street or part of a street, and of the construction of a sewer, to be paid out of the general funds of the city, whenever, in their opinion, the equalization of the burdens and benefits of such improvements shall require it.

^{April 2, 1868. P. L. 612.}

^{Sewer assessments 20 feet beyond the upper end of sewer.}

^{Pavements and sewers to be paid for from general fund if Councils so order.}

(a) The Act of May 23, 1889, Art. 13, Sec. 1, reads "By an equal assessment by the foot front upon the lots or

lands along or through which such sewers run."

Sidewalks.

[See "STREETS."]

1. Councils may designate the width, and require property owners to pave the sidewalks.

2. Repairs to sidewalks; door steps; injury to shade trees; borough powers vested in the city.

3. Councils may pass a general sidewalk ordinance, and then by resolution order the walks paved on any street;

notice; how served; penalty; in default the city may build the walks; expense to be a lien; how collected; penalty; no walks to be ordered laid between November 15th and April 15th.

4. Sidewalks to be required laid only upon grade; how notice to be served.

5. Collection on sidewalk claims; delinquents not relieved from penalty.

April 8, 1833.
§ 9. P. L. 275.

Councils may designate the width, and require property owners to pave the sidewalks.

1. The Burgess and Council shall have power * * * to designate the width of sidewalks, improve, repair and keep in good order the streets, sidewalks, alleys and public square and public grounds; and to compel and require the owners of houses, stores, workshops, stables, buildings and lots, to pave the sidewalks in front of their respective houses, stores, workshops, stables, buildings and lots, on such streets and public squares and public grounds, and with such materials as may by the Town Council be deemed necessary and expedient, and the same to keep in repair.

April 14, 1851.
§ 11. P. L. 631.

Repairs to sidewalks.

2. That the said Select and Common Councils shall have power to compel (a) the owners or occupiers of lots to repair the sidewalks in front of their respective lots, or to cause the repairs to be made, and to file their liens therefor in the same manner as the Burgess and Town Council were authorized to do in case of the original construction of such pavements. And said Select and Common Council may by general ordinance regulate the portion of the sidewalks which the owners of dwelling houses and others may use for doorsteps and other proper purposes, in front of their respective premises; and may impose penalties for mutilating or injuring trees growing upon the streets or public grounds of said city. And the Councils shall be vested with all the powers in said city which at and immediately before the passage of this Act belonged to and were vested in the Burgess and Town Council of the Borough of

Doorsteps.

Injury to shade trees.

Borough powers vested in the city.

or owners, of the kind of pavement required, and the mode and manner of making the same, and the time within which said pavement must be commenced and finished; if the said owner or owners, or agent, resides in the City of Erie, not less than ten days before the time fixed in said resolution for the commencement of said work, and if not so resident in the City of Erie, then said notice shall be given by letter, postpaid, directed to the nearest known postoffice, to said owner or owners, or agents; said letter to be deposited in the postoffice at Erie not less than fifteen days before the time fixed in said resolution for the commencement of said work; and no further or other notice shall be required than as hereinbefore provided, any law or ordinance to the contrary notwithstanding; and if said owner or owners or agent shall, after notice given as aforesaid, neglect or refuse to commence within the time in said resolution mentioned, or having commenced the same, shall neglect or refuse to complete the same within the time fixed, said owner or owners or agent shall be liable to the penalties now prescribed by the ordinances of said city for such neglect or refusal, and it shall be lawful for said city by its proper officers or agent to procure said pavement to be made or finished at the expense of said owner or owners, and the cost, charges and expenses of said work shall be a lien upon the lots or pieces of land respectively fronting on said street or streets in front of which a pavement has been made, repaired or finished as aforesaid, which lien shall be filed against said lots or pieces of ground, respectively, and collected as is now provided by law for filing and collecting fines for paving in said city, and if the said costs, charges and expenses are not paid by said owner or owners or agent within sixty days after said work is finished, ten (a) per cent. shall be added to said costs, charges and expenses and collected as part of the original costs; provided, that no resolution of said Councils shall compel the making of any sidewalks after the fifteenth day of November or before the fifteenth day of April in any year. (b)

April 14, 1861.
How served.

Penalty.

In default city may build the walks.

Expense to be a lien.

How collected.

Penalty.

No walks to be ordered laid between November 15th and April 15th.

April 8, 1867.
§ 2. P. L. 936.

4. That property holders shall not be required to lay sidewalks only upon grade; and notice upon property owners to lay sidewalks shall be legally given as the service of judicial writs are now, by law, required to be given.

Sidewalks to be required laid only upon grade.
How notice to be served.

5. Whenever the Councils of said city shall order or shall have heretofore ordered the paving or repaving of any sidewalk at the cost of the owner of the land fronting on the same, and such sidewalk shall not have been or shall not be paved or repaved by such owner within the time or in the manner directed by the ordinance requiring the same, and the said city shall thereupon have paved or repaved, or shall hereafter pave or repave any such neglected sidewalk, the cost of such work shall be a lien having priority as aforesaid upon the real estate fronting on the same, and may be collected, with ten (a) per cent. additional, in the same manner as hereinbefore pro-

April 2, 1868.
§ 6. P. L. 612.

Collections on sidewalk claims.

(a) The Act of May 23, 1889, Art. 15, Sec. 20, *ante*, fixes the penalty at five per cent.

(b) See *Infra* 5.

April 2, 1868. Delinquents not relieved from penalty. vided for the collection of pavement and sewer taxes; but nothing herein contained shall be construed to relieve such delinquent from the penalties now existing for neglecting to pave sidewalks.

Solicitor, City. (a)

(a) The Act of May 23, 1874, Sec. 40, Clause 2, provides that the City Solicitor "shall give bonds to the corporation with two or more sureties to be approved by the Select Council, in the sum of ten thousand dollars."

Streams.

1. How creek channels may be changed and improved; the waters may be turned into sewers; damages.

April 4, 1870.
§ 3. P. L. 841.

How creek channels may be changed and improved.

The waters may be turned into sewers.

Damages.

1. And the said Councils shall have power upon petition of twelve freeholders of said city to change the channel of any stream within the corporate limits of said city, or to narrow, improve or turn into a sewer the waters of any such stream, either for the purpose of flushing said sewer or of disposing of offensive water or filth, or for economical reasons to avoid expensive accommodations on the surface for said water, and the proceedings for assessment of the advantages and damage accruing to the several properties adjoining contiguous to or affected by said change shall be the same as is provided in the case of laying out new streets in said city as provided in this and preceding Acts of Assembly with the same right of appeal as in the case of damage on new streets. (a)

(a) See Act of May 23, 1889, Art. 5, a navigable stream divides cities, boroughs, townships, etc. the middle of the

land Street to the Soldiers' and Sailors' Home grounds; widening of Ash Street from Sixth to Third Streets; expense; how paid.

17. Mayor and Councils to fix width of carriageway of Sixth Street; to provide for ornamental lawn.

18. Duty of certain lot owners when carriageway is paved.

19. Ordinances for grading, etc., of lawn; how enforced.

20. Action of trespass may be brought for injuries to lawn.

21. East of French Street the carriageway to be 44 feet, the lawns 14 feet.

22. Repeal.

23. Laying out Tenth Street authorized; roadway 40 feet; sidewalk 10 feet; lawns 20 feet.

24. Lot owners to plant trees and shrubbery.

25. Power of Mayor and Councils.

26. Actions against trespass; damages.

27. Commissioners of Millcreek Township to lay out Tenth Street from Liberty to Cascade Streets; carriageway 40 feet; sidewalk 10 feet; lawns 20 feet.

28. Lot owners to ornament the lawns.

29. The Commissioners empowered to enforce the Act.

30. Action of trespass may be maintained for injury to lawn; damages.

31. Parts of Twenty-first, Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth Streets vacated; how vested; laying out of Railroad Street.

32. Width of Twenty-sixth Street; between German and Parade Streets, 50 feet.

33. Preamble; preamble.

34. Twenty-sixth Street to be opened 50 feet wide between Parade Street and East Avenue.

35. Opening of Wayne and Ash Streets from Twenty-sixth to Twenty-eighth Streets; width to be 30 feet plus the surplus.

36. Shall be public highways; repeal.

37. Ash and Wayne Streets vacated between the L. S. & M. S. R. R. and Eighteenth Street.

38. Parts of Holland Street and the canal basin vacated; how vested.

39. Councils may vacate German Street north of Front Street; title of part vacated to be vested in the city.

1. That whenever the construction of a sewer or the pavement of a sidewalk, or a carriageway of any street, or part of a street, in said city, has been or shall be ordered by the Councils, at the cost of the owners of the real estate fronting on the street or part of a street, and there is a common alley, not adopted as a street, fronting on the improvement, the cost of the construction in front of the alley shall be assessed upon the real estate in the block of land or lots benefited by the alley, in proportion to the advantages conferred by it.

2. The amount to be paid by each owner shall be determined by three commissioners, to be appointed by the Councils, who shall be sworn to discharge their duties justly and impartially; they shall examine the premises, hear the parties interested who on a public notice wish to attend the hearing and report, with a plan of the block, the amount each is to pay; any party feeling aggrieved may appeal from the award of the commissioners to the City Councils within twenty days; the amounts shall be collected by the Councils. The bills for the services of the commissioners and other expenses shall be passed by the Councils, and when paid shall be added to the amounts of the assessments and collected therewith.

3. After the first assessment, repairs and improvements shall be paid according to it, and the several parties, or their successors, treated as the property owners. On the petition of a majority of owners in number and value, the Councils shall appoint commissioners to make a new assessment.

4. An alley may be improved on the petition to Councils of a majority in number and value of the owners of a block of lots adjoining it, and the cost assessed on the owners and collected as hereinbefore provided for the improvement in front of an alley. (a)

(a) See Act of May 23, 1889, Art. 5, Sec. 3, Cl. 10, and Art. 15, Sec. 26 *ante*.

June 6, 1873.
Id. § 5.

Councils to
have control
of alleys.
How kept
clean.

Id. § 6.
Repeal of
Act of 1870.

April 2, 1880.
§ 6. P. L. 612.

Councils may
divide the
city into
street im-
provement
districts and
levy special
taxes there-
for.

How collect-
ed and ap-
plied.

Mar. 12, 1870.
P. L. 416.

Houses oc-
cupying not
exceeding
two feet of
street may
remain.

Feb. 10, 1869.
§ 1. P. L. 134.

Parts of Wa-
ter and Com-
mercial

5. The Councils shall have entire control of the alleys of the city, whether public or private, so far as relates to keeping the same free from rubbish or obstructions of any kind, with power to cause them to be cleaned at the expense of the person or persons so obstructing the same.

6. The first section of the Act entitled "A further supplement to an Act to incorporate the City of Erie," passed on the fourth day of April, One Thousand Eight Hundred and Seventy, is hereby repealed.

7. That for the purpose of improving and keeping in repair the streets and such portion of the public square or squares of said city in front of lots situated thereon and used as a public highway, the said Councils are hereby authorized to divide the city into convenient districts, and to assess and levy a special tax within each district upon all property and persons taxable for city purposes; and said Councils are authorized to collect the same in the same manner as State and county taxes are by law collectible, or in the manner provided in the third section of this Act, and to appropriate the same towards the improvement and repair of the streets and public squares used as highways, the whole amount of such special tax collected within each district to be expended within the same district for the purposes aforesaid.

8. That so much of the several streets of the aforesaid City of Erie as are in manner aforesaid occupied by houses, not exceeding in any case two feet from their respective streets are hereby declared vacated and laid aside until such time as the houses aforesaid are destroyed or taken down, at which time the aforesaid vacation of that portion of the respective street shall cease and determine forever.

RELATING TO PARTICULAR STREETS.

9. That so much of Water Street and Commercial Street in the Harbor of Erie, as lies between Holland Street and Ash Lane, and so much of the canal basin (a) as lies between

ninety feet from the northeast corner of lot number three thousand two hundred and seventy-eight; thence south fifty-nine degrees west, three thousand three hundred and ten feet, to a post at the mouth of Lee's Run; thence north eighty-six degrees west, seven hundred and forty feet to a post; thence south sixty-six degrees west, four hundred and eighty-five feet, to a post on the west side of Myrtle Street; thence south forty-three degrees west, seven hundred feet, to the east side of Chestnut Street.

Mar. 29, 1895.
§ 10. 4 Bloran,
p. 490. Ch.
2,577.

North line of
Front Street
defined, from
Parade to
Chestnut
Streets.

13. That the Select and Common Councils of the City of Erie be and they are hereby authorized to vacate so much of Front Street lying between State Street and French Street in the City of Erie as they may deem necessary and proper, and the land or territory so vacated shall thereupon be vested in and become the property of said city to all intents and purposes; *provided*, that a sufficient portion of said street shall be left both on the north and south sides thereof for the use of the property owners thereon; *and provided further*, that any person or persons aggrieved by the vacation of said street, or any part thereof, may have his, her or their damages ascertained and paid in the mode and manner that damages to land owners by the construction of railroads are ascertained and paid under the provisions of the Act regulating railroads, approved February nineteenth, one thousand eight hundred and forty-nine, and the supplements thereto.

Jan. 31, 1894.
§ 1. P. L. 1,241.

Councils au-
thorized to
vacate part
of Front
Street be-
tween State
and French
Streets.

Proviso.

Proviso.

14. The Councils of said city are hereby authorized to sell and by deed under the corporate seal, convey all or any part of the land so vacated and granted unto any person or persons or body corporate, for such price and upon such terms and conditions as to time and manner of payment as may be agreed upon between the parties.

Id. § 2.

Councils may
sell the part
vacated.

15. That Front Street, in the City of Erie, from the northwest corner of inlot number three thousand three hundred and forty-three, on the east line of Sassafras Street, in the original Plan of the City of Erie, to the west line of Cascade Street, in said plan, shall be of a uniform width of two hundred feet; said width to be measured at right angles to the direction of the south line of said Front Street, as fixed in the original plan of said city between the above mentioned points or streets, and that the south line of water lots in the harbor of Erie between the points aforesaid be and are hereby extended to and limited by the north line of Front Street as hereby determined, and that the north one hundred feet in width of said Front Street is hereby appropriated for the use and purpose of laying down and extending the track or tracks of any railroad company along or upon the same.

April 2, 1899.
§ 1. P. L. 599.

Front Street
to be 200 feet
wide from
Sassafras to
Cascade
Streets.

North line of
Front Street
to be South
line of the
water lots.

The north
100 feet of
Front Street
appropriated
for railroad
purposes.

16. That the City of Erie be and is hereby required, at a period in the coming Spring as early as may be practicable, to open and work Second Street, in said city, from Holland Street eastwardly to the Hospital grounds, to a width of sixty feet; and further, that the said City of Erie and the Township of Millcreek, in the County of Erie, and the Commonwealth of Pennsylvania, co-jointly, shall widen and improve Ash Lane from Sixth Street northwardly to said Hospital grounds to a

Feb. 4, 1899.
§ 2. P. L. 108.

Opening
Second Street
from Holland
Street to the
Soldiers' and
Sailors' Home
grounds.

Feb. 4, 1869.
§ 2. P. L. 106.

Widening of
Ash Street
from Sixth
to Third
Streets.

Expense.

How paid.

Mar. 26, 1868.
§ 1. P. L. 486.

Mayor and
Councils to
fix width of
carriageway
and side-
walks of
Sixth Street.

To provide
for orna-
mental lawn.

width of one hundred feet, taking an equal quantity of land from each side of Ash Lane for said purpose; and in case the said city or Millcreek Township shall neglect or refuse so to work, widen and improve said street or lane for a period of sixty days after being so requested by the Board of Directors of the Marine Hospital of Pennsylvania, by notice in writing to the Select and Common Councils of the said City of Erie and the Road Commissioners of Millcreek Township, then and in that case the said Board of Directors may and are hereby authorized and empowered to enter upon and occupy said land for opening Second Street as aforesaid and widening and improving Ash Lane as aforesaid; and all expense attending the opening and improving Second Street shall be paid by the City of Erie, and the expense attending the widening and improving Ash Lane shall be paid equally by the said City of Erie and Millcreek Township; and in case of refusal to pay the same, it shall be recovered as debts of like amount are now by law recoverable.

17. That the Mayor and Councils of the City of Erie be and they are hereby authorized and required to fix and establish the width of the carriageway in the center of Sixth Street, in said city, throughout its entire length, (a) except the parks or squares, at thirty-six feet, (a) the width of the foot pavements or sidewalks at fourteen feet, on each side of said street, and to provide for the grading, grassing and proper ornamentation and enclosing of the eighteen (a) feet in width between the outer edge of said foot pavements and said carriageway, on each side of said street, as an ornamental lawn; the said lawn to be graded, grassed or sodded, enclosed and improved in such uniform manner as said Mayor and Councils shall deem best, on so much of said street as shall be at any time graded and paved (b) in the carriageway, and as soon as the same shall be so graded and paved (b) and not sooner.

Id. § 2.

18. As soon as the carriageway of said street or any part

to bring and maintain an action of trespass, as for injuries to real estate, in the proper court, for every injury to said part of said lawn, its ornamentations or shrubbery or enclosure, by any person or persons, and against the owner or owners of any animal or animals trespassing upon or injuring the same; and the trespass, as aforesaid, being established against the said person or persons, or the owner or owners of the animal or animals committing any such trespass or injury, said owner or occupant shall recover against such person or persons, or such owner or owners of any animal or animals, trespassing as aforesaid, double damages and full costs.

21. That so much of section first of the Act entitled, "An Act to establish and fix the width of the carriageway and pavements, and to provide for an ornamental lawn on Sixth Street, in the City of Erie," approved the twenty-sixth day of March, Anno Domini, one thousand eight hundred and sixty-eight, as required the width of the carriage way in the center of Sixth Street to be thirty-six feet, be, and the same is hereby repealed, so far as the same relates to said street lying east of French Street, and called East Sixth Street, and the width of the same is hereby established at forty-four feet, and the width of the lawn on each side of the carriageway in said East Sixth Street is hereby established at fourteen feet instead of eighteen feet as is provided for in said Act.

22. That the words "and paved," twice occurring in the first section and once in the second section of the before mentioned Act, be, and the same are stricken out of said Act and repealed so far as relates to the said East Sixth Street, and anything in said Act inconsistent with the provisions of this Act be, and the same is hereby repealed.

23. That the Mayor and Select and Common Councils of the City of Erie be and they are hereby authorized and required to lay out and establish Tenth Street in said city, with a roadway in the center thereof forty feet wide, a sidewalk on each side thereof ten feet wide, and to cause the intermediate spaces between the sidewalks and roadway to be properly prepared for planting with trees and shrubbery, and laid out with suitable and convenient pathways through and across the same for the streets running at right angles with Tenth Street, and for the several persons, respectively, living upon said street conveniently to pass and repass on foot and with necessary and proper teams and vehicles between the sidewalks and roadway and to and from their respective dwellings and outbuildings.

24. As soon as the said street shall be established and laid out as above provided, the several owners of lots and lands lying along and adjoining the same may, and shall, when required by the said Mayor and Select and Common Councils, plant or cause to be planted with trees and shrubbery, so much of the said space between the sidewalk and roadway as shall be in front of each of their several and respective lots, and on the same side of the street therewith, and not laid out as a pathway across the same, and also to cause the portion thereof so required to be planted with trees and shrubbery to be surround-

Mar. 26, 1868.

May 20, 1871.
Id. § 3.
P. L. 1026.

East of
French
Street the
the carriage
way to be
44 feet, lawn
14 feet

Id. § 4
Repeal.

April 11, 1866.
§ 1. P. L. 728.

Laying out
Tenth
Street au-
thorized.

Roadway 40
feet. Side-
walk 10 feet.
Lawns 20
feet.

Id. § 2.

Lot owners
to plant trees
and shrub-
bery.

April 11, 1866 ed with a railing or a chain supported by proper and sufficient posts.

Id. § 3.
Power of
Mayor and
Councils.

25. The Mayor and Select and Common Councils of the said city may make all orders and enactments necessary and proper to carry out the provisions of this Act, and may enforce such orders and enactments and assess and collect the cost and expenses of making the improvements provided for by this Act in the same manner that they are now authorized to enforce orders and enactments requiring sidewalks to be laid in said city, and assess and collect the cost and expense thereof.

Id. § 4.
Actions
against tres-
passers.

Damages.

26. When any portion of said strip of land lying between the said sidewalks and roadway upon said street shall have been surrounded with a railing or chain, supported by proper and sufficient posts as above provided, the person or persons owning the lots or land lying in the rear thereof may have and maintain an action or actions in the proper Court for each and every trespass that shall or may be committed upon or within the enclosure made by such railing or chains, and for every injury therein suffered or committed, and for every injury to such railing or chain and the posts supporting the same, the same being and lying in front of his, her or their respective lots or lands; and in such action or actions shall recover as much and the same damages as he, she or they might or could recover for the same trespass or injury had the same been committed in the close of him, her or them.

April 2, 1869.
§ 1. P. L. 655.

Commis-
sioners of
Millcreek
Township to
lay out
Tenth Street
from Liberty
Street to
Cranberry
Street.
Carriageway
40 feet.
Sidewalks
10 feet.

27. That the Commissioners of the Township of Millcreek, in the County of Erie, be and they are hereby authorized and required to fix and establish the width of the carriageway in the center of Tenth Street, from the western line of the City of Erie, at Liberty Street, to the western line of the second section at Cranberry Street, at forty (40) feet, the width of the sidewalks at ten (10) feet on each side of said street, and to provide for the grading, grassing and proper ornamentation and enclosing of the twenty (20) feet in width between the outer

any property which is fronted by said lawn shall have the right to bring and maintain an action of trespass, as for injuries to real estate, in the proper Court, for every injury to said part of said lawn, its ornamentation, shrubbery or enclosure, by any person or persons, and against the owner or owners of any animal or animals trespassing upon or injuring the same; and the trespass as aforesaid being established, said owner or occupant shall recover against such person or persons, or such owner or owners aforesaid, double damages and full costs.

31. That so much of Twenty-first, Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth Streets as laid out or proposed to be laid out, as passes through the lands of the Philadelphia and Erie Railroad Company east of East Lane (a) in the Fifth Ward of Erie City, be, and the same are hereby vacated and the lands over which the same are laid out, or proposed to be laid out, be vested in the owners of the property fronting on east side of said vacated streets to the middle thereof; *provided*, that the said railroad company lay out for public use a street fifty feet wide along the west line of their above mentioned lands to extend from Buffalo to Twenty-sixth Street through their lands, in a northeasterly direction, to Buffalo Street.

32. That the width of the Ridge Road, (b) passing through the outlots of the City of Erie, be and the same is hereby reduced in width, from one hundred feet to fifty feet between German and Parade Streets, to correspond with the width of said Ridge Road, elsewhere.

33. WHEREAS, doubts have existed as to the width of South Street, (b) in the Township of Millcreek, in the County of Erie, from Parade Street eastward to East Lane, between outlots numbered one (1), four (4), five (5), eight (8), nine (9), twelve (12), five hundred ninety-four (594), five hundred ninety-five (595), five hundred ninety-eight (598), six hundred and two (602), and six hundred and three (603), and also as to the width of Beech Lane (c) and Ash Lane from South Street southward;

AND WHEREAS, the parties interested have agreed that the said street and lanes shall be established, opened and maintained on the ground and of the widths respectively hereinafter set forth; therefore

34. *Be it enacted, etc.*, That South Street, (b) from Parade Street eastward to East Lane, (a) shall be opened by the Road Commissioners of the Township of Millcreek to the width of fifty feet, taking the center of South Street, as at present surveyed, as the center of said street.

35. That Beech Lane and Ash Lane shall be opened by the said Commissioners to the width of thirty feet from South Street to the south line of the outlots lying and being south of South Street, and if, upon measurement had lengthwise of South Street between the west line of East Lane and the east

April 2, 1869.
§ 1. P. L. 655.

Damages.

June 23, 1871.
§ 1. P. L. 1,383.

Parts of
Twenty-first,
Twenty-second,
Twenty-third, Twenty-fourth
and Twenty-fifth streets
vacated.

How vested.
Laying out
of Railroad
Street.

Mar. 22, 1865.
§ 1. P. L. 534.

Width of
Twenty-sixth Street
between
German and
Parade
Streets, 50
feet.

May 1, 1861.
P. L. 651.

1. Preamble.

2. Preamble.

Id. § 1.

Twenty-sixth Street
to be opened
50 feet wide
between Parade Street
and East
Avenue.

Id. § 2.

Opening of
Wayne and
Ash Streets
from Twenty-sixth to
Twenty-eighth
Streets.

(a) Now East Avenue.
(b) Now Twenty-sixth Street.

(c) Now Wayne Street.

May 1, 1861.
§ 3. P. L. 651.

Width to be
30 feet, plus
the surplus.

Id. § 3.

Shall be
public high-
ways.

Repeal.

Mar. 23, 1865.
§ 1. P. L. 678.

Ash and
Wayne
Streets va-
cated be-
tween the L.
S. & M. S. R.
R. and
Eighteenth
Street.

Feb. 17, 1870.
§ 1. P. L. 156.

Parts of Hol-
land Street
and the
canal basin
vacated.

How vested.

line of Parade Street, it be ascertained that the length of line, exclusive of the aggregate width of Ash Lane and Beech Lane as aforesaid, exceeds the aggregate length of line of the outlots as aforesaid, according to the original survey of the outlots adjoining and south of South Street, then the Road Commissioners aforesaid shall apportion such excess equally to the widening of Beech Lane and Ash Lane respectively, southward of South Street, in such manner as to give each and every outlot aforesaid its exact measurement in length, as specified in the original survey along the south line of South Street.

36. That South Street, Beech Lane and Ash Lane, as thus located and established, are hereby declared to be permanent public highways; that the boundaries of the street and lanes aforesaid severally, shall be the proper boundaries respectively of the lots and lands adjoining thereto, or any of them and that all laws heretofore enacted which may be hereby altered, and all laws and parts of laws inconsistent herewith, be and the same are hereby repealed.

37. That so much of Ash Lane and so much of Beech Lane in the City of Erie and Township of Millcreek, in the County of Erie as lie between the Erie and North East Railroad and Buffalo Street or Road, be and the same is hereby vacated and laid aside forever, and the title to the said land over which the vacated portion of said lanes pass is hereby vested in fee simple in the owners of the adjoining property, on each side of said streets to the middle thereof.

38. That so much of Holland Street in the harbor of Erie as lies north of Front Street, and so much of the canal basin (a) as lies between the east side of the said Holland Street and a north and south line three hundred and twenty-four feet west thereof in the said harbor of Erie be, and the same is hereby vacated and laid aside forever; and the title to said land over which the vacated portions of said street and basin pass, is

hereby vested in fee simple in the owners of the adjoining

Tax Abatements.

PAVING ABATEMENTS.

1. It shall be lawful hereafter for the Mayor and Councils of said city [of Erie] in the levy and assessment of taxes laid or imposed on any lots or lands in said city to discriminate between property fronting on or adjacent to any street or streets which shall have been previously paved in whole or in part, at the expense of the owner or owners thereof, and said Mayor and Councils shall have power to wholly or in part exonerate any lot or property so fronting on or adjacent to any street, wholly or in part so paved, from the payment of all or of so much city tax as they may deem proper. (a) Act of May 9, 1871, Sec. 4, P. L. 631.

(a) In pursuance to the authority conferred by this act and of the ordinances of November 1, 1871, A 364, May 7, 1874, A 445, and April 1, 1880, A 537, under which the act became operative, paving abatements were allowed on the regular city taxes on property fronting on streets paved at the expense of such property. The abatements having been made in annual instalments and amounted in the aggregate to 50 per cent of the cost of the pavements.

The ordinance of September 16, 1895, G 167, was passed with the intention of abolishing such paving abatements absolutely.

In the case of *Erie vs. Griswold*, 5 Super. Ct. R. 132; 184 Pa. 435, it was held that where a later ordinance creates

a condition to which an earlier general ordinance becomes applicable the two are in *pari materia* and are to be construed together; and also, that the repeal of an ordinance under which private parties have acquired vested rights cannot operate to impair the contract obligations. See also *Erie vs. Carey*, 12 Super. Ct. R. 584.

In line with those decisions paving abatements are being allowed for paving done at the expense of the abutting property in each case in which the ordinance therefor was passed prior to the date of the repealing ordinance (Sept. 16, 1895). The last of those abatements will terminate with the year 1909.

FARM LAND ABATEMENTS.

The acts of February 25, 1870, Sec. 9, P. L. 244, and May 12, 1871, P. L. 811, provided for a rebate off the regular taxes on farming or agricultural lands in the rural districts of the City of Erie.

The provisions of those acts were put into operation by the ordinance of February 4th, 1882, C 2, and resolutions of prior dates. Farm land abatements were allowed accordingly on City taxes on such property from 1870 to 1901, inclusive. The percentage of the taxes abated varied, and was a subject of litigation, during the years preceding 1881. From that year to 1901, inclusive, the amount allowed was uniformly 50 per cent of the City taxes on all property assessed as farm lands. The ordinance of 1882, above referred to, was repealed by ordinance approved May 20th, 1902, I 147, and the allowance of farm land abatements was thereafter discontinued.

Thieves.

1. Constable, etc., to arrest professional thieves in certain counties; conviction; punishment.

2. Conductors may arrest such persons on their cars; trial.

Mar. 12, 1866.
§ 2. P. L. 182.

Constable, etc., to arrest professional thieves in certain counties.

Conviction.

Punishment.

Id. § 2.

Conductors may arrest such persons on their cars.

Trial.

1. It shall be the duty of the constables and of the several police constables, officers or detectives, appointed by the proper authorities, in the counties aforesaid [of Erie, Luzerne, Susquehanna, Pike and Crawford], and they are hereby authorized and required to arrest any professional thief, pick-pocket or burglar who may be found at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room or common thoroughfare, in the City of Erie, in Corry, in the County of Erie, and in Meadville or Titusville, in the County of Crawford, and carry them forthwith to the Mayor of the city, or Burgess of the borough, or a Police Magistrate, to be appointed by the Mayor, Burgess, or City or Town Council respectively; and if it shall be proven, to the satisfaction of the Mayor, Burgess, or other Police Magistrate by sufficient testimony, that the person so arrested was attending or frequenting such place or places for an unlawful purpose, he or she shall be committed by the said Mayor, Burgess or Police Magistrate to the jail of the proper county for a term not exceeding ninety days, at hard labor, or, at his discretion, require the person to give security for his or her good behavior, for a period not exceeding one year, and require the person to pay the costs incident to his or her arrest, examination and commitment.

2. The conductors on the several railroads, while passing through either of the counties aforesaid, shall have like power to arrest any one who may be found stealing or picking the pockets of passengers, or others, or committing any breach of peace on the cars, and detain him or her until reaching any one of the places, Erie, Corry, Meadville or Titusville, and then deliver him or her to a constable or other police authority, to be taken before one of the authorities mentioned in the preceding section, to be dealt with in like manner as is provided for real or suspicious offenders; and the several conductors shall have power to order the persons arrested not

20c
-x-
-y-
-1-
-1-
-1-
-1-

Wards and Election Districts.

1. City divided into wards; ward boundaries.

2. Each ward to elect 3 School Directors; shall constitute one school district.

1. The City of Erie as above constituted shall be divided into six wards; the First Ward shall comprise all that part of the city situate north of Eighth Street extended to east line of the city and east of State Street; the Second Ward that part east of State Street, between Eighth, so extended, and Buffalo Street; the Third Ward that part west of State Street between Buffalo Street extended to west line of the city and Eighth Street; the Fourth Ward that part west of State Street and north of Eighth Street; the Fifth Ward that part south of Buffalo Street and east of Peach Street and road known as the Erie and Waterford Turnpike; and the Sixth Ward that part south of Buffalo Street, so extended, and west of Peach Street and said Erie and Waterford Turnpike Road. (a)

Feb. 25, 1870.
§ 2. P. L. 242.

Divided into six wards.
Ward boundaries.

2. Each ward shall be entitled to * * * three School Directors, all the wards to constitute but one school district, and to such other officers as they are entitled to under the general laws of the Commonwealth.

Id. § 2.
Each ward to elect 3 school directors; shall constitute one school district.

The wards of the City of Erie have been divided into election districts as follows:

ELECTION DISTRICTS AND VOTING PLACES.

FIRST WARD.

- 1—East of Reed, Eighth to Lake; Sixth Street, on Perry Street.
- 2—Fifth to Eighth, State to Parade; at No. 9 East 7th Street.
- 3—State to Parade, Lake to Third; at 208 German Street.
- 4—Parade to Reed, Eighth to Lake; corner Sixth and Ash Streets.
- 5—Third to Fifth, State to Parade; at No. 14½ East Fifth Street.

SECOND WARD.

- 1—Twelfth to Eighteenth, Ash to Parade; at 503 East 13th Street.
- 2—Eighth to Tenth, Parade to State; N. S. 10th, between State and French Streets.
- 3—Twelfth to Railroad tracks, Parade to State; at 1224 Parade Street.

4—Eighth to Eleventh, east of Ash; at corner 10th and Wayne Streets.

5—Eighth to Twelfth, Ash to Parade; at 1015 Parade Street.

6—Tenth to Twelfth, Parade to State; at 268 East 11th Street.

7—Eleventh to Eighteenth, Ash east to city limits; corner Wayne and Twelfth Streets.

8—Railroad tracks to Eighteenth, Parade to State; n. w. corner 18th and French streets.

THIRD WARD.

1—Twelfth to Eighteenth, State to Sassafras; at Warfel & Arbuckle's building, north side Sixteenth Street, between State and Peach Streets.

2—Eighth to Tenth, State to Chestnut; south side of Eighth Street, between Peach and Sassafras Streets.

3—Eighth to Railroad tracks, Chestnut to Liberty; at Twelfth and Walnut Streets.

4—Twelfth to Eighteenth, Sassafras to Chestnut; at No. 1706 Myrtle Street.

(a) Erie was first divided into wards by the act of Feb. 13, 1840, sec. 7, P. L. 43, under which two wards were created, the "East Ward" and "West Ward" with State street the dividing line.

The ward lines were extended by the Act of April 10, 1848, P. L. 430 and reenacted unchanged, in the City Charter

of April 14, 1851, sec. 2, P. L. 631.

The Act of March 17, 1859, sec. 3, P. L. 159, divided the city into four wards, with names and boundaries corresponding with the First, Second, Third and Fourth wards of the present time (1906) except the suburban additions which were annexed to those wards by the Act of 1870 given in the text.

5—Tenth to Twelfth, State to Chestnut; at corner Tenth and Peach Streets.

6—Eighth to Eighteenth, Liberty Street west; at 12th and Cascade Street.

7—Railroad tracks to Eighteenth, Chestnut to Liberty; at rear of 1702 Walnut Street.

FOURTH WARD.

1—Fifth to Lake, Chestnut to Poplar; at 512 West 4th Street.

2—Fifth to Eighth, State to Chestnut; at Court House.

3—Third to Lake, State to Chestnut; corner Second and Sassafras Streets.

4—Poplar west, Eighth to Lake; at Plum, between Third and Fourth Streets.

5—Fifth to Eighth, Chestnut to Poplar; at No. 610 West Sixth Street.

6—Third to Fifth, State to Chestnut; near corner Fourth and Sassafras Streets.

FIFTH WARD.

1—Eighteenth south, Peach to Hol-

land, at Twenty-first and French sts.

2—Eighteenth south, Parade to Wayne; 24th and Ash Streets.

3—Eighteenth south, Parade to Holland, at 2425 German Street.

4—Eighteenth south, Wayne east; at Jacob Warfel's tool house, near his residence.

SIXTH WARD.

1—Eighteenth to Twenty-first, Peach to Cherry; at Thomas Pickering's livery stable, south side Eighteenth Street, between Peach and Sassafras Streets.

2—Twenty-first to Twenty-fifth, Peach to Cherry; at P. Frederick's store, No. 2326 Sassafras Street.

3—Cherry to Cranberry, Eighteenth to 26th Street; at 21st and Plum Streets.

4—Twenty-fifth south, Peach to Walnut, at 2511 Myrtle Street.

5—Walnut west and 26th south, also between 25th and 26th, Walnut to Cherry, 655 West 26th Street.

Water Lots.

1. Laying out First Section water lots; dimensions; Water Street laid out; Streets may be extended into the bay; sale of water lot; erection of wharves; proceeds of sales; heights of buildings on water lots.

2. Laying out Second Section water lots; width of Front Street; sale of lots.

3. May extend northern boundary of certain water lots; may grant to P. & E.

R. R. Co. privilege of extending track.

4. First Section water lots may be sold at private sale; conditions; Mayor's signature necessary to validity of all city deeds and leases; such as are not so signed to be void.

5. Preambles.

6. 20 water lots ceded to the City of Erie.

Mar. 29, 1805.

§ 10. 4 Bioren,

236. Ch. 2,577.

1. The Burgess or Town Council, or a majority of them for the time being, shall have power to lay out a row of lots

Laying out adjoining the said line (a) on the north side thereof, opposite

* * * and the Burgess and Town Council, for the time ^{Mar. 29, 1805.} being, or a majority of them, shall have power at such time and times, in such manner and on such terms as to them shall appear most advantageous, to sell at public auction and by ^{Sale of wa-} indenture duly executed under their hands and seals, or under ^{ter lots.} the hands and seals of a majority of them, to grant and convey in fee simple, to the highest and best bidders respectively, ^{Erection of} all or any of the lots to be laid out as aforesaid, with authority ^{wharves.} to the said purchasers respectively to erect such wharves opposite to such lots as the said Burgess and Town Council shall think expedient, and to extend the same, from time to time, to ^{Proceeds of} such distance into the bay (a) as the borough laws shall per- ^{sales.} mit, and the moneys arising from the sale of the said lots shall be laid out and appropriated in the same manner, and subject to the same regulations and restrictions as the moneys to be raised by virtue of the sixth section of this Act: *Provided*, ^{Height of} *always*, That no building shall be erected on any of the lots ^{buildings on} so to be laid out and sold as aforesaid, higher, including the ^{water lots.} roof, than forty feet above the surface of the water aforesaid, nor shall any building whatever be erected on the north side of Water Street aforesaid.

2. That the Commissioners of Sales for the lots in the ^{Jan. 23, 1838.} Town of Erie, be and are hereby authorized to lay out a row ^{§ 1. P. L. 6.} of water lots, in front of the several squares in the second ^{Laying out} section of the town, (leaving Front Street not less than one ^{water lots in} hundred feet wide,) and extend the same to a suitable depth ^{front of} of water in the harbor, for the convenient access of shipping, ^{second sec-} and after giving thirty days' public notice, in all the news- ^{tion.} papers in the County of Erie, expose the said lots to sale by ^{Width of} public outcry, at the Court House in Erie, and sell the same ^{Front Street.} separately to the highest and best bidders, adjourning sales ^{Sale of lots.} from time to time until the lots are sold; one-fifth of the purchase money to be paid at the time of the sale, and the balance in four equal annual instalments thereafter, with interest, to be computed and paid annually on the whole sum unpaid. (b)

3. The said Mayor and Councils shall have power by ^{April 2, 1868.} ordinance, if they deem it expedient, to extend the northern ^{§ 2. P. L. 613.} boundary (c) of those water lots of the first, second and third ^{May extend} sections of the City of Erie lying west of the canal basin to a ^{northern} line beginning at the northwest corner of the canal basin pier, ^{boundary of} and running thence westward parallel to the Second Street ^{certain wa-} of the City of Erie to the western boundary of said water ^{ter lots.} lots, being a northward extension of the western boundary ^{May grant} of the third section; they shall also have power to grant the ^{to Philadel-} Philadelphia & Erie Railroad Company the privilege of ex- ^{phia and} tending the track of their road from Front Street along the ^{Erie Rail-} east side of State Street north to the canal basin pier upon ^{road Com-} ^{pany privi-} ^{lege of ex-} ^{tending} ^{track.}

(a) See Ordinance of March 18, 1869, Post.

(b) The remaining sections of this act provide for using the proceeds of the sales for the purpose of improving the streets and public grounds of the "Second Section."

Note—The "Second Section" is that part of Erie lying between Chestnut and Cranberry Streets.

(c) See Ordinance of March 18, 1869, defining the northern boundary of water lots west of the canal basin. Post.

such conditions and subject to such regulations as the Council of said city may deem proper.

Mar. 19, 1869.
§ 1. P. L. 493.

First section
water lots
may be sold
at private
sale.

Conditions.

Mayor's signature
necessary to
the validity
of all city
deeds or
leases.

Such as are
not so signed
to be
void.

April 17, 1876.
P. L. 189.

1st Preamble.

2nd Preamble.

4. That the Councils of the City of Erie are hereby authorized to make private sale, to any person or persons desirous of erecting furnaces or rolling mills or other manufactories thereon, of all or any of the water lots owned by said city, in the first section of the Town of Erie as originally laid out, and to make good and sufficient deeds therefor to the purchaser or purchasers; such sale to be made upon such terms and subject to such conditions in regard to the erection and maintenance of manufactories as may be mutually agreed upon by the parties, which condition shall be mutually binding on the parties and all claiming through or under them; *provided*, that in all matters relative to real estate which have occurred or which may hereafter occur, the deeds, agreements or leases of the Councils shall have no binding force whatever, unless the name of the Mayor of the City of Erie shall be attached thereto; any agreement relative to real estate owned by the City of Erie, or held by her in trust, which has been disposed of, or attempted to be disposed of, by lease or otherwise, is hereby declared null and void and in all cases where the Mayor of the City of Erie has not given his consent in writing thereto.

5. WHEREAS, By Act of Assembly of March twenty-ninth, one thousand eight hundred and five, the Burgess and Town Council of the Town (now city) of Erie were authorized to lay out and number a row of water lots adjoining the north side of said town (now city) between Parade and Chestnut Streets, and to sell the same at public auction to the highest bidder and make deeds to purchasers, the proceeds to be used for the improvements of said Town (now city) of Erie;

AND WHEREAS, There yet remain unsold of the water lots laid out and numbered in pursuance of said Act, water lots numbers one hundred and sixteen, one hundred and seven-

extended eastwardly and the submerged breakwater, with a triangular piece on its west side bounded by the submerged pier, Parade Street extended, and a line parallel with Second Street from the northeast corner of the Canal Basin pier (near French Street) to Parade

Street was conveyed to the Borough of Erie by the Act of March 29, 1849, P. L. 257, and was subsequently conveyed by the city, under certain conditions, to the Sunbury & Erie (now Phila. & Erie) Railroad Company.

Water Works.

1. Judges of Court of Common Pleas to appoint Commissioners of Water Works; vacancies, how filled.
2. Duties and powers of Commissioners; to establish rules and water rates, subject to approval of Councils; such rules and rates to have the force of ordinances; contracts.
3. Money belonging to works, duty of Commissioners.
4. Disagreement with owners of real estate as to price to be paid for same.
5. City authorized to issue bonds for erection of the water works; proviso; application of proceeds.
6. Compensation of Commissioners.
7. Councils may set apart certain property.
8. Councils may grant to said Commissioners portion of Front Street, and

unsold water lots; Water Commissioners elected under this Act to receive no compensation other than expenses; officials not to be interested in city contracts.

9. Appropriation of streams, lands, etc., for water works or supply, authorized.

10. Damages; bond; condition; upon approval of bond the right to appropriate made complete; viewers may be appointed on petition of either party; notice of their meeting; appeal and jury trial.

11. Preambles.

12. Conveyance of land to the Commissioners of Water Works of Erie; description; courses and distances; subject to grant to United States.

13. Conditions of conveyance; proviso.

1. That at the first Court of Common Pleas held in and for the County of Erie after the passage of this Act, it shall be the duty of the judges of said Court to appoint three persons to serve as Commissioners of Water Works in the City of Erie, one of whom shall be appointed for one year, one for two years and one for three years; and annually thereafter at the May term of said Court the said judges shall appoint one person to serve as said Commissioner for the term of three years; and the term of the person appointed for one year shall continue until his successor is appointed as aforesaid; and in case of a vacancy occurring in said Board of Commissioners by death, resignation or otherwise, the remaining members thereof shall fill said vacancy until the next May term of said Court as aforesaid.

April 4, 1867.
§ 1. P. L. 768.

Judges of
Court of
Common
Pleas to ap-
point Com-
missioners
of Water
Works.

Vacancies,
how filled.

2. It shall be the duty of said Commissioners to take the full charge and control of the erection and completion of water works in said city, and to make all contracts for the erection and completion thereof, and to provide for the repair and maintenance of the same; to acquire by purchase or otherwise such and so much real estate as may be necessary for the efficient use of said water works whenever the same may be needed to furnish a full supply of pure and wholesome water [to be taken from the bay or harbor, or from Lake Erie] (a); to collect water rents and to appoint all necessary officers and agents, and take from them, respectively, such security for faithful performance of duty as said Commissioners shall deem proper; and to fix from time to time the

Id. § 2.

Duties and
powers of
Commis-
sioners.

(a) The part enclosed in brackets was repealed by Act of April 2, 1868, Sec. 10, P. L. 613.

April 4, 1867.
§ 2. P. L. 768.

To establish
rules and
water rates,
subject to
approval of
Councils.

Such rules
and rates to
have the
force of ord-
inances.

Contracts,

Id. § 3. P. L.
769.

Money be-
longing to
works, duty
of Commis-
sioners.

amount of salaries and wages to be paid such officers and agents; they shall also have power to make all such by-laws, rules and regulations for the economical and efficient management and protection of the works and their appurtenances as they may deem expedient and necessary; and from time to time make and establish such rates, terms and conditions upon which water from said works shall be furnished to applicants therefor as said Commissioners shall deem just and proper; but such rates, terms and conditions shall be subject to approval by the City Councils before they go into operation, and all such by-laws, rules and regulations, when made by said Commissioners, shall have the force and effect of ordinances in said city; and the penalties imposed thereby shall be collected in the same manner that penalties imposed by city ordinances are now by law collected; and said Commissioners shall prepare full and careful plans and specifications of all the work and material necessary for the erection and completion of said works, and shall by due public notice invite proposals for performing and furnishing the same, and shall, in all cases, let the contracts therefor to the lowest responsible and capable bidder, and shall take adequate security for the due performance of the several contracts, and said works shall be put under contract and prosecuted to completion with all convenient and reasonable dispatch.

3. Said Commissioners shall make a monthly report to the Councils of the City of the receipts and disbursements of money belonging to the works, and annually make a detailed report of their condition, which shall be published for the information of the public, and they shall cause all moneys collected for water purposes to be deposited weekly with the City Treasurer by the collectors, who shall return a receipt therefor to the Commissioners; and all moneys so deposited on account of water works shall be kept a separate and distinct fund for the payment of the indebtedness of said water works

5. The Mayor and Council of said city shall make and issue bonds to such an amount as shall be deemed necessary for the purpose of erecting and completing said water works; said bonds shall be issued in the form and on the terms now allowed by the charter of said city, and shall be designated as "water works bonds;" and said bonds shall be delivered to said Commissioners, from time to time, on their requisition, after the commencement of said works; *provided*, that each requisition, as aforesaid, shall be accompanied by a detailed statement of the amount of work done upon, or material purchased for said works, up to the time of such requisition; *Provided further*, that said Councils may, if they deem it expedient, deliver said bonds to said Commissioners faster than actually needed to pay for work done or materials furnished; and *provided further*, that said bonds shall not be sold for less than par, without the consent of the Councils, and the proceeds of said bonds shall be applied to the erection and completion of said water works, and to no other purpose.

April 4, 1867.
§ 5. P. L. 769.
City authorized to issue bonds for erection of the Water Works.

Proviso.

Application of proceeds

6. The Commissioners aforesaid shall each receive not exceeding four dollars per day for each day actually spent by them in and about the business aforesaid, and they shall severally give bond to the City of Erie, with sufficient surety, to be approved by the Court of Common Pleas of Erie County, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of the office of Water Commissioner, as aforesaid.

Id. § 6. P. L. 770.

Compensation of Commissioners.

7. The City Councils may set apart so much of any property, in the bay or harbor, held in trust by it, for any purpose, as may be necessary, for the use of said water works. (a)

Id. § 7.
Councils may set apart certain property.

8. The said Councils shall have power to grant to the Commissioners of Water Works of the City of Erie such portion of Front Street, and so many of the unsold water lots next east of the intersection of Chestnut with Front Street (a) as may be necessary for the erection of any structures required or otherwise necessary for supplying the City of Erie with water, to have and to hold the same so long as they may be required for said purpose, subject to such regulations as the Councils may ordain; *provided*, the Water Commissioners of the City of Erie elected under this Act shall not receive any compensation for their services other than their actual expenses.

April 2, 1868.
§ 8. P. L. 612.

Councils may grant to Commissioners portion of Front Street and unsold water lots.

(a) By resolution of December 16, 1867, the City Councils, so far as they had the power so to do, granted to the Water Commissioners leave to occupy and use 125 feet in width of Front Street for a distance of 165 feet east from the northeast corner of Chestnut and Front Streets and five water lots (presumably numbers 136 to 140 inclusive) for water works purposes, a portion of Front Street at the point aforesaid sufficient for a public highway to

be left unoccupied. (Select Council Journal C. Pages 618 and 624.)

Pursuant to the provisions of ordinance No. 1097, approved March 28, 1895, G. 125, the Mayor of the City of Erie, by deed dated April 9, 1895, and recorded in deed book 114, page 469, conveyed to the Commissioners of Water Works water lots numbers 131 to 135 inclusive to be used exclusively for supplying the city with water and for the erection of the necessary buildings for that purpose.

April 2, 1868.

Water Com-
missioners
elected un-
der this Act
to receive no
compensa-
tion other
than ex-
penses.
Officials not
to be inter-
ested in city
contracts.

and no Water Commissioner, Mayor, member of the Council, City Engineer or Surveyor shall be directly or indirectly concerned in any contract to perform work or furnish materials for said city or said Water Commissioners, under the penalty of being forever disqualified from holding any office of honor, profit or trust in this Commonwealth, and of a fine not exceeding one hundred dollars on conviction in the Court of Quarter Sessions of Erie County.

May 25, 1887.
§ 1. P. L. 267.

Appropriation of
streams,
lands, etc.,
for water
works or
supply, au-
thorized.

9. That any city or borough desiring to erect water works, or to improve its water supply, may, for such purpose appropriate streams, known as rivers or creeks, lands, easements and rights of way, whether within its territorial limits or not, and, for the purpose of conducting water obtained outside of the territorial limits of any city or borough, may lay pipes across, under and over any lands, rivers, streams, bridges, public highways and cross railroads.

Id. § 2.

Damages.

Bond.

Conditions.

Upon ap-
proval of
bond, the
right to ap-
propriate
made com-
plete.

Viewers may
be appointed
on petition
of either
party.

Notice of
their meet-
ing.

10. Prior to any appropriation, the city, or borough, shall attempt to agree with the owner as to the damage done, or likely to be done, to him; if the parties cannot agree, or the owner cannot be found, or is not *sui juris*, the said city or borough may file its bonds in the Common Pleas Court of the county, conditioned for payment to the owner or owners of the property appropriated, of the damages for the taking thereof, when the same shall have been ascertained according to law; upon the approval of the bond and its being filed, the right of the corporation to enter upon the property or rights, intended to be appropriated, shall be complete. Upon petition of either the property owner or the city or borough, at any time thereafter, the said Court shall appoint five disinterested freeholders of the county, to serve as viewers, to assess the damages proper to be paid to the owner for the property or rights appropriated, and shall fix a time for their meeting, of which notice shall be given to both parties. When

sylvania, across the bay of Presque Isle, to the Peninsula; thence across the land belonging to the United States, on the Peninsula, to the shore of Lake Erie; thence into the lake as far as may be advisable to secure pure water; together with the use of such land on the Peninsula as may be needed for the proper laying, protection and maintaining the pipe, and the erection of all buildings necessary for the construction, care and supervision of the work, and for maintaining the same; also the use of such land belonging to the United States as may be required for a road or roads to and from the main land to place of crossing:

April 28, 1908

Id. § 1.

12. Be it enacted, etc., That the Governor of the State of Pennsylvania be and he is hereby authorized and directed to convey to the Commissioners of Water Works in the City of Erie, and to their successors, the right, title and interest of the Commonwealth of Pennsylvania in and to the following described piece of land, in the County of Erie, Pennsylvania, being a part of the Peninsula known as Presque Isle, bounded and described as follows, to wit:

Description.

Commencing at point in the south shore-line of said Peninsula, called Presque Isle, at the intersection of the center line of Raspberry street (in the city of Erie, Pennsylvania), extended northwardly to the south shore-line of said peninsula, at low water-mark; thence north, sixty degrees west (N. 60 degrees W.), true meridian, one hundred and eight and fifty-five hundredths rods (108 55-100), more or less, to Lake Erie, at a point on the north shore-line of said Presque Isle, at low water-mark; thence south, twenty-eight degrees and twenty-one minutes west (S. 28 degrees 21' W.), true meridian, along the north shore line of said Presque Isle, and along the low water line of the waters of Lake Erie, two hundred and ninety (290) rods; thence south, sixty degrees east (S. 60 degrees E.), true meridian, twenty and six-tenths (20 6-10) rods, more or less, to a point in the low water-line on the south shore of Presque Isle; thence eastwardly, along the south-shore line of said Presque Isle, and along the low water-line of the waters of Erie Harbor, to the place of beginning, the courses and distances being as follows: North, thirty degrees and ten minutes east (N. 30 degrees and 10' E., true meridian, four and one-tenth (4 1-10) rods, to a point on the south shore-line of said Presque Isle; thence north eighty-five degrees and thirty minutes east (N. 85 degrees 30' E.), true meridian, fifty-five and seven-tenths (55 7-10) rods, to a point on the south shore-line of said Presque Isle; thence north, sixty-eight degrees east (N. 68 degrees E.), true meridian, fifty-three and eight-tenths (53 8-10) rods, to a point on the south shore of Presque Isle, at low water mark; thence north, forty-eight degrees east (N. 48 degrees 48' E.), true meridian, thirty-five and two-tenths (35 2-10) rods, to a point on the south shore of Presque Isle, at low water-line; thence north, twenty-eight degrees east (N. 28 degrees E.), true meridian, one hundred and five (105) rods to a point on the south shore of Presque Isle, at low water-line; thence due north, true meridian, nineteen and four-tenths (19 4-10) rods, to a point on

Conveyance of land to the Commissioners of waterworks, of Erie.

Courses and distances.

April 29, 1908

the south shore of Presque Isle, at low water-mark, thence north, thirty-seven degrees east (N. 37 degrees E.), true meridian, fifty-seven (57) rods, more or less, to the place of beginning; and containing one hundred and seventy-five acres of land, be the same more or less; together with all water rights and privileges abutting on both sides of the above described piece of land, and a right of way for a wagon-road leading to the main land.

Subject to
grant to
United
States.

Id. § 2. P. L.
837.

Conditions
of the con-
veyance.

All rights hereby granted are subject to the grant heretofore made to the United States by the State of Pennsylvania.

13. The conveyance above authorized shall be upon condition that the said Commissioners of Water Works, in the City of Erie, shall forever hold and use the property above described, exclusively for purposes incident to supplying said city with water, under the supervision of said commissioners; and they shall not make any conveyance, lease, grant or license for the use of said property for any purpose; and in case of any violation of these conditions, the title held by them shall forthwith revert to the Commonwealth of Pennsylvania, and all rights acquired by virtue of this act shall forthwith cease and determine: *Provided*, Any permission or license granted by said commissioners to the Government of the United States, or its duly authorized agents, for its public uses, shall not be considered a violation of the above conditions.

Proviso.

Weights and Measures—Abridgement.

ARTICLES.	NO. OF LBS. IN 1 BUSHEL.	DATE OF LAW.	P. L. PAGE.
Barley.....	47	March 10, 1818.	7 Sm. 79.
Buckwheat.....	48	March 10, 1818.	7 Sm. 79.
Charcoal (Hardwood).....	18	May 12, 1891.	P. L. 51.
Charcoal (Softwood).....	15	May 12, 1891.	P. L. 51.
Clover Seed.....	60	June 24, 1895.	P. L. 243.
Coal (Bituminous).....	76	May 18, 1878.	P. L. 67.
Coke.....	40	April 11, 1866.	P. L. 98.
Corn.....	56	April 16, 1845.	P. L. 475.
Oats.....	32	March 30, 1897.	P. L. 10.
Onions.....	50	May 8, 1895.	P. L. 55.
Potatoes.....	56	June 1, 1891.	P. L. 160.
Rye.....	56	April 16, 1845.	P. L. 475.
Salt, foreign (Coarse).....	85	March 10, 1818.	7 Sm. 79.
Salt, foreign Ground).....	70	March 10, 1818.	7 Sm. 79.
Salt, foreign (Fine).....	62	March 10, 1818.	7 Sm. 79.
Wheat.....	60	March 10, 1818.	7 Sm. 79.
2,000 lbs. Bituminous Coal=1 ton.		May 18, 1878.	P. L. 67.
2,240 lbs. (a) Anthracite Coal=1 ton.....		June 26, 1895.	P. L. 334.
2,000 lbs. Bark (Hemlock, Oak, etc.,)=1 ton (or 1 cord).....		June 1, 1891.	P. L. 160.
280 lbs. Salt=1 barrel.....		{ March 10, 1818. }	7 Sm. 79.
		{ March 24, 1877. }	P. L. 40.
2,571 cubic inches Charcoal=1 bushel.....		May 12, 1891.	P. L. 51.
2,648 cubic inches coke=1 bushel		April 11, 1866.	P. L. 98.
A standard gallon (liquid measure) =231 cubic inches.....		April 15, 1834.	P. L. 525.
A standard bushel (dry measure) =2150.42 cubic inches.....		April 15, 1834.	P. L. 525.

(a) 40 lbs. is allowed for variation in scales, and a penalty of \$50 is provided for violation of the Act.

1

PART III.

Ordinances and Rules

OF THE

City of Erie, Pennsylvania

PART III

Ordinances and Rules OF THE CITY OF ERIE, PENNSYLVANIA

Acceptance of Act of May 23, 1874.

Mar. 20, 1873.
A. 496.

WHEREAS, The City of Erie is desirous of accepting the provisions of an Act of Assembly entitled "An Act dividing the cities of this State into three classes, providing for contracts for supplies, " etc., approved May 23, 1874, and also the supplements thereto; and,

Preamble
No. 1.

WHEREAS, The said City of Erie, under the classification of the Act of April 11, 1876, is a city of the fourth class;

Preamble
No. 2.

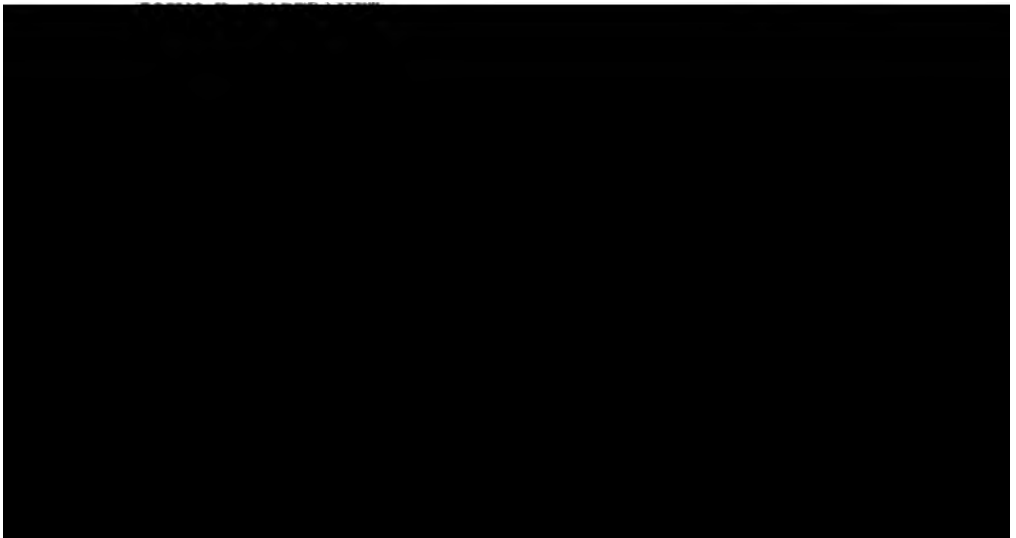
THEREFORE, Be it ordained and enacted by the Select and Common Councils of the City of Erie, and it is hereby ordained and enacted by the authority of the same, That the provisions of an Act of the Legislature of Pennsylvania entitled "An Act dividing the cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities; authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same; defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class." Approved May 23, 1874, and the supplements thereto, be and the same are hereby accepted by the City of Erie.

Title quoted.

Acceptance.

CERTIFICATE OF ACCEPTANCE.

Pennsylvania, ss:



of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class, approved the twenty-third day of May, A. D. 1874," it is among other things provided by the fifty-seventh section thereof that "Any city of the third class, or any city of less population than ten thousand inhabitants, heretofore incorporated, may become subject to the provisions of this act governing such cities of the third class to be hereinafter incorporated, and the Mayor and Councils of such city may effect the same by an ordinance thereof duly passed by a majority of the members elected to each branch thereof voting in favor of the same, and a certified copy of such ordinance approved by the Mayor and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to, and filed in, the office of the Secretary of this Commonwealth and when so filed the Governor shall under the great seal of the Commonwealth, certify the surrender of the former charter and the acceptance of the provisions of this act by such city." *And whereas*, A supplement to said act approved the eleventh day of April, A. D. 1876, provides among other things in regard to cities that "those containing a population less than thirty thousand and exceeding twelve thousand, shall constitute the fourth class." *And whereas*, The City of Erie was incorporated by an Act of the General Assembly entitled "An Act to incorporate the City of Erie, and to authorize said city to borrow money to be applied to the improvement of their harbor and for other purposes, approved the fourteenth day of April, 1851," and the population of said city is now less than thirty thousand and exceeds twelve thousand, and it is accordingly a city of the fourth class. *And whereas*, On the twenty-sixth day of March, A. D. 1878, there was filed in the office of the Secretary of the Commonwealth a certified copy of an ordinance passed by the Common Council of the said City of Erie on the fourth day of March, A. D. 1878, and by the Select Council of said city on the eighteenth day of March, A. D. 1878, and approved by the Mayor thereof on the twentieth day of March, A. D. 1878, accepting the provisions of the first above recited act of the General Assembly and the supplements thereto for the government of the said City of Erie, and the certified copy of said ordinance was accompanied by a statement of the vote thereon, giving the names of the members of said Councils voting for and against said ordinance, and those absent from the meeting. *And whereas*, The copy of said ordinance was also accompanied by the proper certificate of the School Board of said city expressing the desire of the school district thereof to retain the laws governing said district, independent of the said Act of May 23d, 1874, and the supplements thereto, which certificate was duly filed in the office of the Secretary of the Commonwealth the twenty-sixth day of March, A. D. 1878.

Now know ye, That I, JOHN F. HARTRANFT, Governor aforesaid, in compliance with the provisions of the first above recited act of the General Assembly, *Do hereby* certify the surrender of the former charter of the City of Erie, in the County of Erie, in this Commonwealth, and the

acceptance by the said City of Erie of the provisions of the said first above recited act of the General Assembly and the supplements thereto for the government thereof.

Given under my hand and the great seal of the State at Harrisburg this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Commonwealth the one hundred and second.

By the Governor.

M. S. QUAY, Secretary of the Commonwealth.

STATE OF PENNSYLVANIA, } ss.
CITY OF ERIE,

Recorded in the office of Clerk Select Council, Erie, Pa., in Select Council minute book "H," pages 283 and 284.

{ SEAL }

Witness my hand and the seal of said city this 8th day of April, A. D. 1878.

T. HANLON, Clerk Select Council.

STATE OF PENNSYLVANIA, } ss.
COUNTY OF ERIE,

Recorded in Recorder's Office, Erie County, Pa., in Commission Book No. 1, page 583.

{ SEAL }

Witness my hand and official seal this 29th day March, A. D. 1878.

DANIEL LONG, Recorder.

Animals at Large.

1. Unlawful to allow cattle to run at large; penalty.
2. Impounding and sale of breachy and vicious cattle.
3. Net proceeds of sale to be paid into city treasury; fees.
4. The money to remain subject to demand of owner; when forfeited to the city.
5. Cattle may be released previous to sale upon payment of costs, damages and fees; notice to owner.
6. Hogs, goats and geese not allowed to run at large; penalty; duty of sergeant-at-arms and police.
7. Horses, etc., not to run at large.
8. Horses, etc., must be securely hitched; must not run at large; penalty.
9. Police to assist in impounding horses, cattle, etc.
10. Animals not to be pastured on the streets or parks.
11. Penalty; how enforced.

1. It shall be unlawful for the owners of cattle to suffer them to run at large within the bounds of the City of Erie, under a penalty of \$5 for each and every offense. July 12, 1898.
§ 3. A. 212.

2. That upon the complaint to the Mayor of four or more citizens of said city, in writing, setting forth that any breachy, unruly, or vicious cattle are running at large in the streets, public squares or grounds of said city, and the name of the owner or owners, if known, it shall be the duty of the mayor to issue his warrant to the sergeant-at-arms, or any constable or policemen of said city, commanding him to seize and take into custody such vicious, unruly, or breachy cattle as are complained of as aforesaid, and to advertise, and after five days' notice, by written or printed hand-bills, set up in at least four public places in said city, to sell the same at auction, unless previously redeemed as hereinafter provided, and make a full and specific return of his proceedings therein under oath, to the Mayor, within ten days. Unlawful to allow cattle to run at large; penalty. Id. § 4.

3. The said officer to whom the said warrant shall have been issued shall pay forthwith, to the city treasurer, the amount received upon such sale, after deducting \$1.50 for the Mayor's services, upon each warrant issued, and \$1.50 per head for the cattle seized and taken into custody, and 50 cents per head per day for keeping, for the service of said officer, on every warrant issued and executed as aforesaid, together with all loss and damages sustained by the complainants, or any of them, on their making affidavit of the same. Id. § 5.

4. That the amount paid over to the treasurer by the provisions of the foregoing section, shall remain one year in the treasury for the use of the person who was the owner at and immediately before such sale, and who shall within that time prove his property or ownership therein to the satisfaction of the Mayor, in which case the Mayor shall give such owner a certificate of his having made such proof, upon which the Treasurer shall pay the said amount to the owner; *provided*, that in case no proof shall be made within one year said amount shall be forfeited to the use of the city. Id. § 6.

5. That if any person claiming to be the owner of any cattle seized as aforesaid, shall, previous to the sale, claim the same, the said officer shall deliver the same to the said claimant, on his paying the compensation, and fees, loss and damages as aforesaid, or established in the fifth section hereof; *provided*, that it shall be the duty of the officer to whom such The money to remain subject to demand of owner; when forfeited to the city. Id. § 7 A. 214.

- July 12, 1866
 Notice to owner. warrant shall have been issued, to notify the owner personally, if known to him, before making sale under the provisions of this ordinance.
- Id. § 8. A. 214.
 Hogs, goats and geese not allowed to run at large. 6. It shall be unlawful for the owner or owners of any hog, goat, or goose, in the City of Erie, to permit the same or any of them to run at large in said city; and any person violating this section of this ordinance, shall be subject to the following fines and penalties, which shall be sued for and collected as other fines are by law collected in said city. For each and every hog, pig or goat, running at large as aforesaid, a fine of \$5, and for each and every goose running at large as aforesaid, a fine of 50 cents; and it shall be the duty of the sergeant-at-arms to bring suit at once in the name of the city, against any person known to him as the owner or part owner of any hog, pig, goat or goose running at large as aforesaid, and collect the fine or fines hereby imposed, and pay the same into the city treasury. And it shall be the duty of the police to report to the sergeant-at-arms the name or names of any person or persons ascertained by them to be the owner or owners of any hog, pig, goat, or goose running at large as aforesaid. Every repetition of a violation of this ordinance shall subject the party so offending to the penalty or penalties hereby imposed.
- Penalty.
- Id. § 13. A. 215.
 Horses, etc., not to run at large. 7. That it shall be unlawful for any person or persons to permit his, her, or their horse or horses, mares, or mules to run at large within the limits of the City of Erie; * * * (a)
- Id. § 15. A. 216.
 Horses, etc. must be securely hitched; must not run at large; penalty. 8. It shall be unlawful for any person having the charge, or care, or control, of any horse, mare or mule, or any team of horses, mares, or mules, to allow the same to remain in the streets of the City of Erie unattended by some suitable person, unless securely hitched. And it shall be further unlawful for any person or persons owning or having the care or control of any horse, mare, or mule, to suffer the same to run at large in the said streets of the said City of Erie. (b) And any viola-
- May 18, 1869.
 A. 308.

11. Any person violating the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than five dollars, nor more than fifty dollars, for each and every offense, to be collected by summary proceedings, or action of debt, as may be elected. Oct. 16, 1898
§ 2.
Penalty.

But if any fine imposed or judgment recovered, be not paid or secured to be paid within ten days by good security in the nature of special bail absolute for debt and costs, the defendant shall be committed to the county jail or city lockup, or put to public labor for a period not exceeding thirty days or until said judgment and costs be paid. How enforced.

Automobiles.

- | | |
|--------------------------------|-------------------------------------|
| 1. Automobile gong. | 4. Entitled to "right of the road." |
| 2. Speed. | 5. Penalty. |
| 3. How to pass other vehicles. | |

1. That from and after the passage of this ordinance it shall be unlawful for any person to operate, drive or propel any automobile or similar vehicle upon any of the streets of the City of Erie, unless such automobile or similar vehicle so operated shall have attached thereto a bell or gong, which shall be rung or sounded at a distance of not more than sixty (60) nor less than forty (40) feet of the point of intersection of streets, and whenever necessary to warn pedestrians or persons in vehicles on the roadway of said street. Ord. 1918,
Sept. 17, 1901.
§ 1. I. 68.
Automobile
Gong.

2. It shall be unlawful for any person to operate any such automobile or similar vehicle at a greater speed than ten (10) miles per hour upon any of the streets or highways of the City of Erie, and it shall be also unlawful to operate or propel any such automobile or similar vehicle upon any sidewalk on any public street or highway of said city. Be it further provided, that at street intersections the speed shall be reduced to five (5) miles an hour. Id. § 2.
Speed.

3. It shall be the duty of all persons operating or propelling any automobile or similar vehicle upon or along the roadways or highways of said city to pass to the right of vehicles approaching from the opposite direction, and it shall be the duty of all such persons to keep to the right of the center line of the street or roadway on which they are operating or propelling any such automobile or similar vehicle, and to turn, when turning on an intersecting street, at a point to the right of the intersection of the center line of the street upon which they intend to turn. Id. § 3.
How to pass
other vehicles.

4. The driver or rider of any horse or horses on the streets, lanes, alleys or public ways of the City of Erie shall concede to the operators of such automobiles or similar vehicles the same room to pass to the right as would be conceded to the rider of any other vehicle; and any rider or driver of horses failing to concede such room to automobiles or similar vehicles Id. § 4.
Entitled to
"right of the
road."

BICYCLE RIDING.

Sept. 17, 1901 shall be subject to the penalties hereinafter provided for the violation of this ordinance.

Id. § 5.
Penalty. 5. Any person violating any of the provisions of this ordinance, shall, upon conviction of such offense, before the Mayor of said city, or other magistrate duly authorized for such purpose, be subject to a fine of not less than ten (\$10) dollars, nor more than fifty (\$50) dollars for each offense; and, on failure to pay said fine, may be committed to the County Jail for a period of not less than ten (10) nor more than thirty (30) days. (a)

(a) See Act of April 19, 1905, P. L.
217.

Bicycle Riding.

1. Bicycle and tricycle riding on sidewalks prohibited; exception.
2. Bell or gong to be used.
3. Manner of riding.
4. Speed.

5. Shall keep to the right-hand side.
6. Shall have right to road accorded other vehicles.
7. Penalty.

Ord. 1139,
Sept. 30,
1896. § 1. *Be it enacted, etc.* That from and after the passage of this ordinance, it shall be unlawful for any person to ride a bicycle, tricycle or other conveyance the motive power of which is furnished by the rider thereof, upon any of the sidewalks of the City of Erie on any street the roadway of which has been paved; provided, however, that the provisions of this section shall not apply to children under the age of ten years, riding tricycles.

Id. § 2.
Bell or gong
to be used. 2. No person or persons shall ride any bicycle or tricycle on any of the highways, avenues or public places in the City of Erie, unless the same shall have attached thereto

section may be temporarily suspended by resolution of Sept. 30, 1905
Councils duly approved by the Mayor, whenever occasion
therefor may arise.

5. It shall be the duty of all persons riding bicycles or Id. § 5.
tricycles upon or along the roadways or public places of the Shall keep
City of Erie, to pass to the right of vehicles approaching from to the right-
the opposite direction, and it shall be the duty of all persons rid- hand side.
ing bicycles or tricycles, at all times when possible, to keep to
the right of the center line of the street or roadway on which
they are riding, and to turn when turning on an intersecting
street, at a point to the right of the intersection of the center
line of the street upon which they are riding to the street
upon which they intend to turn.

6. The driver or rider of any horse or horses on the Id. § 6.
streets, lanes, alleys or public ways of the City of Erie shall Shall have
concede to the riders of bicycles or tricycles the same room right to
to pass to the right as would be conceded to the rider of any road accord-
other vehicle; and that any rider or driver of horses failing ed other ve-
to concede such room to bicycles or tricycles shall be subject hicles.
to the penalties hereinafter provided for the violation of this
Ordinance.

7. Any person violating any of the provisions of this Id. § 7.
Ordinance, shall, upon conviction of such offense before the Penalty.
Mayor of the City of Erie, or other magistrate duly authorized
for such purpose, be subject to a fine of not less than five dol-
lars (\$5.00) nor more than fifty dollars (\$50.00) for each
offense; and on failure to pay said fine, may be committed
to the County Jail for a period of not less than ten (10) nor
more than thirty (30) days.

Bill Posting.

1. Bill-posters may be appointed by
Mayor and Councils. Right to erect bill-
boards; location; Mayor to fix the price
for bill-posting. Penalty for refusing
to post bills at the price fixed.
2. Penalty for interfering with bill-
boards or bills posted thereon. Bill-
boards not to be erected without author-
ity of Councils; penalty. Posting bills
on walls, public buildings, private
fences, etc., prohibited, unless by con-
sent of owners; penalty.

3. Bill-posters to be licensed.
4. Badge to be worn.
5. Paper, etc., not to be thrown on
streets.
6. Not applicable to persons distrib-
uting their own advertisements.
7. Penalty.
8. Bill-posters.
9. License fee; bond.
10. Shall wear badge.
11. Must not create nuisance.
12. Penalty.

1. That it shall be lawful for the Mayor and Councils to May 3, 1905,
appoint one or more persons, residents of said city, to be bill- § 1. A. 172.
posters in said city, and to remove the same at pleasure; and Bill-posters,
said person or persons so appointed, shall have the exclusive may be ap-
right to erect such and so many bill-boards and frames in said pointed by
city, for the purpose of posting bills, notices and advertise- Mayor and
ments thereon, of such siz., and at such places as the Mayor Councils.
and Councils shall designate or permit; but such boards or Right to
frames shall not be placed so as to interfere with any private erect bill
property, without the consent of the owners; and the Mayor boards.
Location.

BILL POSTING.

May 3, 1865
Mayor to fix
the price for
bill-posting.

Penalty for
refusing to
post bills at
the price
fixed.

May 9, 1881,
§ 1. A. 573.

Penalty for
interfering
with bill-
boards or
bills posted
thereon.

Bill-boards
not to be
erected with-
out author-
ity of Coun-
cils; penalty.

Posting bills
on walls,
public build-
ings, private
fences, etc.,
prohibited,
unless by
consent of
owners; pen-
alty.

Not to litter
sidewalks;
penalty.

shall from time to time regulate and fix the price which said posters may charge for doing said work, as he shall deem just and reasonable; and if any person appointed under this ordinance shall neglect or refuse, upon tender of his legal price, to receive and put in the places by the Mayor designated and permitted, such posters, hand bills, notices and advertisements as shall be offered him for that purpose, he shall forfeit and pay the sum of ten dollars for every such neglect or refusal, and forthwith be dismissed from his office. (a)

2. No person shall in any manner interfere with said bill-boards or frames, put up for the purpose of posting bills, etc., in pursuance of the authority of the Mayor and Councils, as aforesaid, or post any bill or advertisement thereon, or deface or tear down any bill or advertisement placed thereon by any regular Bill-poster without the permission of such Bill-poster having the exclusive right to use such bill boards or frames, under the penalty of ten dollars for each and every offense; and no person shall erect any bill board or frame, for the purpose of posting bills, advertisements, placards, etc., for persons desiring the same without previous authority of Councils, under the penalty of twenty-five dollars for each offense, and a further penalty of two dollars for each and every day such unauthorized bill board or frame shall be permitted to stand. No Bill-poster or other person, shall post up or place upon any private or public building or upon any private wall or fence, in the City of Erie, any placard, bill, notice or advertisement of any kind, without the previous consent of the owner of such building, wall or fence, or the person or persons in charge thereof, under the penalty of five dollars for each offense. It shall be the duty of every Bill-poster, when removing any bill, placard, or advertisement from any such bill board or frame, to remove at once, all torn paper or litter caused by such removal, permitting no part thereof to remain upon any sidewalk or street, under the penalty of five

5. No person shall scatter or throw upon the streets, sidewalks, or alleys of the city, posters, hand bills, advertisements, or paper. * * * * * Jan. 20, 1896
Paper, etc.,
not to be
thrown on
Streets.
6. Nothing herein contained shall be so construed as to prevent any person, firm, association, or corporation residing and doing business in the City of Erie, from distributing circulars or hand bills, advertising the business in which such person, firm, association, or corporation is directly engaged. Id. § 5. G.
206.
Not applica-
ble to per-
sons dis-
tributing
their own
advertisements.
7. Any violation of the provisions of this ordinance shall be deemed a misdemeanor, and any person upon conviction thereof shall be punishable by a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, and in default of the payment of such fine, such person so convicted shall be imprisoned in the lockup or common jail of the city, one day for each dollar of fine and costs so imposed and unpaid. (a) Id. § 4.
Penalty.
8. That from and after the passage of this ordinance, no person or persons shall engage in the business of advertising by bill posting or painting, in the City of Erie except as hereinafter specified, unless the said person or persons shall have first been duly licensed by the Mayor of the City of Erie. Ord. 1431,
Nov. 17, 1897.
§ 1. H. 101.
Bill Posters.
9. Any person of good character desiring a license, shall be licensed by the Mayor of the City of Erie, to engage in the business of advertising by bill posting or painting, for the term of one year from the date of said license, upon the payment of fifty (\$50.00) dollars, and the filing of a judgment bond in the sum of five hundred (\$500.00) dollars with two sureties approved by the City Solicitor, conditioned that the said licensee shall perform the duties of his office in good, proper and lawful manner, in compliance with the ordinances of the city and the laws of the state governing the character of the matter posted or painted, and the manner of posting or painting of the same. Id. § 2.
License fee.
Bond.
10. The said licensees, their agents, officers and employees while engaged in the act of posting or painting shall wear a badge with the following words conspicuously placed thereon: "Licensed Advertiser, Erie." Id. § 2.
Shall wear
badge
11. Nothing herein contained shall be construed to authorize any person or persons to obstruct the streets, sidewalks and alleys of the city, or create any nuisance therein, or prevent the posting of notices required by law to be posted. Id. § 4.
Must not
create nul-
sance.
12. Any person violating the provisions of this ordinance shall be punished by a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, and in default of the payment of such fine, such person shall be imprisoned in the lockup or common jail of the city, for a period not less than five nor more than thirty days. Id. § 5.
Penalty.

(a) See Infra 12.

Bonds.

Of City Officials and Contractors.

1. City officials may furnish surety company bonds.

2. Approval of bonds.

3. Surety company bonds required on City contracts; Solicitor to approve.

4. Paving and curbing; construction bonds; amount to be 25 per cent of contract; conditions.

5. Maintenance bond; to be one-

Ord. 1326.

Mar. 29, 1897.

§ 1. G. 390.

City officials may furnish surety co. bonds.

Id. § 2.

Approval of bonds.

Ord. 2589.

Oct. 17, 1906.

§ 1. J. 143.

Surety co. bonds required on city contracts. Solicitor to approve.

Id. § 2.

Paving and

eight amount of contract; conditions.

6. When larger maintenance bonds may be required.

7. Sewer construction bonds; conditions; minimum amount.

8. Bonds on bridge contracts, etc., must be not less than 25 per cent of contracts.

1. That from and after the passage of this ordinance, any official of the City of Erie, or any person, firm, company or corporation now obliged by law to give bonds to the said City of Erie for the faithful performance of his or their duties, obligations or contracts, may furnish as a surety any company or corporation chartered for the purpose of providing bonds or acting as sureties thereon.

2. That any official of the City of Erie, whose duty it is to approve such bond, may, and is hereby authorized to accept any such company or corporation as aforesaid, when said official is satisfied of the sufficiency of said bond.

3. That from and after the date of the approval hereof, each and every contractor entering into a contract with the City of Erie, for the furnishing of materials for, or the construction of, any pavement, bridge, culvert, sewer, curbing, or other permanent improvement in any of the streets, lanes, alleys, or public grounds, of the City of Erie, shall make, execute and deliver to the City of Erie, accompanying such contract, a bond in the sum hereinafter specified, employing on such bond a surety corporation, duly authorized under the laws of the state of Pennsylvania to become sole surety on bonds; and each of said bonds shall be satisfactory to and approved by, the City Solicitor, both as to form and sufficiency.

4. Every contract for paving, re-paving, resurfacing, repairing pavements, and curbing shall be accompanied by a

5. After such improvement mentioned in Section two hereof has been completed, accepted on behalf of the City, and the assessment or final estimate made thereon, the contractor who made and delivered such "Construction Bond" may procure a certificate from the City Engineer to be delivered to the City Solicitor, stating the completion and acceptance of such improvement, and thereupon such contractor may give another bond to be known as a "Maintenance Bond." Said "Maintenance Bond" shall be in a sum equal to one-eighth of the Engineer's estimate aforesaid and shall be conditioned for keeping the said improvement in perfect order and repair, and leaving the same in such condition at the end of the guarantee period specified in the contract. The "Construction Bond" given shall be so drawn that it shall remain in full force and virtue, conditioned for the faithful performance of every provision and specification of the contract, both as to original construction and the keeping of the improvement in repair until the "Maintenance Bond" shall be given. The said "Maintenance Bond" shall be executed and delivered under the same conditions and shall be of the same character as the "Construction Bond." Every corporate surety bond given in pursuance hereto shall contain a provision that the same shall remain in full force and virtue until every condition for the performance of which it is given has been complied with by the contractor on such improvement. No moneys shall be paid to the contractor therefor until a "Maintenance Bond" shall have been filed and approved by the City Solicitor.

Oct. 17, 1905

Main-
tenance
bond, to be
1-8 the
amount of
contract.

Conditions.

6. In the event of a pavement being laid, relaid, resurfaced or repaired, or curbing or other improvement built or constructed on a street where traffic is heavier than ordinary, or where other conditions may exist or arise which might require an extraordinary amount of repairs, Councils may, in the ordinance or resolution authorizing such improvement, provide that a "Maintenance Bond" be given in a sum greater than that specified in Section three hereof.

Id. § 4.

When larger
main-
tenance
bond may be
required.

7. Every contract for sewers shall be accompanied by a corporate surety bond, containing the same conditions as hereinbefore enumerated in the requirements of a "Construction Bond" for pavements, etc. No bond shall be given with a sewer contract in a sum less than one thousand dollars, and where the Engineer's estimate of the cost of a sewer is greater than three thousand dollars, the bond to be given shall be in a sum not less than one-third of the said estimate.

Id. § 5.

Sewer con-
struction
bonds.
Conditions.
Minimum
amount.

8. All contracts for bridges, culverts, and other permanent improvements to the streets, alleys, lanes and public grounds of the City of Erie, shall be accompanied by a corporate surety bond in such amount as may be determined upon by the City Solicitor and City Engineer at the time of calling for proposals for the construction of such improvement; provided, however, that in no case shall any bond be given for a sum less than one-fourth of the estimated cost of the improvement for which contract is executed and bond given.

Id. § 6.

Bonds on
bridge con-
tracts, etc.,
must be not
less than 25
per cent of
contracts.

Bonfires and Fire-Arms.

1. Shavings, etc., not to be burned within 250 feet of buildings owned by another; cannon, etc., not to be discharged within 30 rods of a dwelling;

chimneys not to be burned out except during rain or snow; penalty.

2. Burning rubbish after dark prohibited.

3. Penalty.

July 12, 1866.
§ 19. A. 235.

Shavings, etc., not to be burned within 250 feet of buildings owned by another; cannon, etc., not to be discharged within 30 rods of a dwelling; chimneys not to be burned out except during rain or snow. Penalty.

1. If any person shall set fire to or burn any shavings or other combustible materials upon any street or lot in this city within two hundred and fifty feet of any building, belonging to another person, or shall cause the same to be done, to the endangering in any degree any such building, or shall fire off any cannon, gun or other fire-arms, within twenty rods (except in the bay of the harbor) of any inhabited dwelling house, or shall burn out his chimney, except during fall of rain or snow, or when the roof of his house is covered with snow, such person shall forfeit and pay a fine of five dollars and thirty-four cents for every such offense.

Ord. 27.
June 23, 1882.
§ 1, C. 40.

Burning rubbish after dark prohibited

Id. § 2.
Penalty.

2. That it shall not be lawful for any person or persons to burn any straw, shavings, brush or weeds, or make any bonfire of any kind in the streets, public grounds, or lots in the City of Erie, after dark.

3. Any person or persons violating the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than ten dollars nor more than fifty dollars for each and every offense, to be collected by action of debt, or by summary conviction, as said city may elect, and if by summary conviction and said fine and costs be not immediately paid upon conviction, the defendant shall be sentenced to imprisonment not exceeding sixty (a) days at labor as provided by law.

(a) Imprisonment is limited to thirty (30) days under Act of May 23, 1889, Clause 46, Sec. 3 of Art. 5, P. L. 249.

19. Recesses in external walls; cutting doorway in party wall; notice; dimensions; protection; when out of use to be filled with masonry.
20. Recesses in party walls; manner of building; hollow walls; exterior walls; stone facing; stone cornice; heading courses; metal anchors; backing of walls; not to build on wooden supports.
21. Strength of lintels; iron plate to rest on; wood excluded from brick, etc., walls.
22. Anchoring walls; tie-irons; thickness; height calculated from sidewalk level.
23. Standard height of stories; thicker walls when stories are higher.
24. Effect of piers or buttresses on thickness of wall; thickness of adjoining walls erected simultaneously.
25. Masonry partitions or girders in certain wide buildings; levelers.
26. Six-story buildings to be fireproof; height above adjoining buildings; walls to be braced.
27. No building to be over 125 feet in height.
28. Unused doorways to be bricked up.
29. Walls, etc., not to project beyond building line.
30. Single frame dwellings limited to 4 families; partition walls in double dwellings and flats.
31. Frame dwellings not to be over two stories high; height of first floor, no bed rooms in attic.
32. Veneered dwellings.
33. Buildings not to project beyond line.
34. How space under sidewalk may be used; covers for openings.
35. Brick piers; their caps.
36. Columns; how erected.
37. Binders in brick piers.
38. Floor beams and rafters.
39. Main partitions to be directly over each other.
40. Timbers entering party walls.
41. Plates under ends of girders.
42. Flat roofs.
43. Joists near chimneys; brick to project between joists.
44. Partition construction in hotel buildings; around elevator shafts as floor or roof supports; in schools; churches, etc.; in factories, hotels, apartment and business buildings; fireproof requirements for stairways in factories, etc.
45. Capacity of business buildings; certificates to be posted; minimum to be 125 lbs. per square foot.
46. Roofs and appendages in the fire limits.
47. Fireproof cornice, wall construction near cornice.
48. Metallic doors and shutters for rear openings of certain factories and stores; prismatic lights.
49. Elevators and hoistways.
50. Inside access to roofs of high buildings in fire limits.
51. Eave spouts and leaders.
52. Fireproof chimneys and smoke conductors.
53. How constructed.
54. Flues in party walls.
55. Fire protection from stove pipes; and hot air pipes.
56. Top of furnace.
57. Hot air registers.
58. Plumbing across beams.
59. Asbestos covering for hot pipes.
60. Fire place hearth and back.
61. Boiler room protection.
62. Unsafe heating apparatus; penalty for using.
63. "Public Hall" defined.
64. Theater exits; doors to open outwardly; not to be locked during performance; no seats in the aisles.
65. Number of exits required.
66. Main floors of halls and theaters; maximum height.
67. Proscenium wall.
68. Auditorium floors to be fireproof.
69. Theater partitions.
70. Egress openings to be marked "Exit;" aisles to be unobstructed.
71. Fireproof scenery.
72. Stage ventilator in roof.
73. Fire plug and alarm box for theaters, etc.
74. Experienced fireman to be employed.
75. No iron stakes in roadway; posts and guy ropes.
76. Red lights to mark obstructions.
77. Temporary roofed sidewalks front of buildings under construction; fences; gutter to be kept open.
78. Awnings and signs on buildings.
79. Unsafe walls of burned buildings.
80. Frame buildings damaged 50 per cent not to be repaired; inspector to decide damages; appeal; arbitration; fees.
81. Fireproof vaults for shavings, etc., required in wood work factories.
82. Moving buildings; house movers to be licensed; bond; permits; deposit for expenses.
83. When permit to move building may be refused.
84. Chimneys required where fire is used; how built.
85. Fire escapes.
86. Appeal from action of Inspector.
87. Electrical wiring.
88. Penalty.
89. Repeal.
90. Veneered buildings in fire limits.
91. Buildings not to be moved in fire limits.
92. Repeal.
93. Additional duties of Inspector of Buildings; to inspect heating and lighting apparatus, etc., and cause necessary changes to be made; responsibility for defects.
94. To examine combustible material, with a view to removing danger of fire; penalty; duty as to unsafe buildings when notified.
95. Buildings not to encroach on streets; penalty.

1. That there be and is hereby created an office to be known as the Inspector of Buildings, whose duties shall be such as may be defined from time to time by the ordinances of the City of Erie, regulating the construction, repairs and removal of buildings, and for kindred purposes.

2. Said official shall be appointed by the Mayor, and shall hold office from date of his appointment until the first Monday of May next succeeding, and until his successor is appointed.

Ord. 1088.
April 1, 1895.
§ 1. G. 163.
Office of In-
spector of
Buildings
created.

Id. § 2.
Appoint-
ment.

April 1, 1895. and qualified; but the appointment of such officer shall be made annually in the month of May.

Id. § 3. 3. Said officer shall be under the direction and control of the Board of Fire Commissioners of the City of Erie, * * * and shall keep such records and make such reports as may be from time to time requested of him by the said Board of Fire Commissioners. (a)

Ord. 2214,
Aug. 17, 1908.
§ 1, I. 301. 4. That the salary of the Inspector of Buildings in the City of Erie be and the same is hereby fixed at one thousand and eighty (\$1,080) dollars per year payable in monthly installments.

Ord. 2116,
April 3, 1903.
§ 1, I. 259. 5. The Inspector of Buildings shall, before he enters upon the duties of his office, take and subscribe an oath to faithfully and impartially execute the duties of his office. And shall give a Surety Company bond to the sum of five hundred dollars, (\$500)—conditioned for the faithful performance of his duties.

Id. § 2. 6. The said Inspector shall keep an office in the City Hall, or such other place as shall be provided by the City Councils where it shall be his duty to keep a record of all permits issued, which shall be regularly numbered in the order of their issue, and also keep a record of the number, description, class, cost, location, and the amount of fees received for every building for which a permit is issued. He shall file with the Board of Fire Commissioners a monthly report, showing the number of permits issued, description of structures erected, cost of same, and fees received.

Office location;
Records;
Monthly reports. He shall also make an annual report to the Board of Fire Commissioners, indicating the number of permits issued, description and cost of buildings, and the amount of fees received for the preceding year.

Annual report. He shall turn over to the City Treasurer on or before the tenth of each month all money received by him for the preceding month.

Moneys to be paid in to city treasury. 7. It shall be the duty of the Inspector appointed under

Id. § 3.

9. Before the erection, construction, or material alteration or repair of any building in the city, the owner thereof shall file with the Inspector of Buildings—who shall file with the Board of Fire Commissioners—a true statement in writing, giving the intended location of such building, its dimensions, materials, manner of construction, and estimated cost. If such a building is to be erected or materially altered, within the limits of the city, then such owner shall, in addition to the statement aforesaid, submit for examination full specifications of the proposed building or alterations, and shall also sign an agreement that the proposed work shall be done in accordance with the descriptions set forth in such plans, specifications, and statement, and that all matters and things connected with such work shall be done in strict compliance with the provisions of this ordinance. If it appears from said statement, plans and specifications, that the building to be erected or repaired will conform to the provisions of this ordinance so far as applicable thereto, then the Inspector of Buildings shall issue a permit to do the work desired, upon the payment of the following prescribed fees, to-wit:

April 3, 1903.
Duties of owners of proposed buildings to file description, and with specifications if in fire limits. Building permits.

When the improvement is estimated to cost \$100 or less, the fee shall be 25 cents; from \$100 to \$200 inclusive, 50 cents; from \$200 to \$500 inclusive, \$1.00; from \$500 to \$1,000 inclusive, \$1.50; from \$1,000 to \$1,500 inclusive, \$2.00; from \$1,500 to \$2,500 inclusive, \$3.00; from \$2,500 to \$5,000 inclusive, \$5.00, and for every additional \$1,000 over \$5,000, or fractional part thereof, the additional sum of 40 cents shall be charged. (a)

Fees.

Blank forms for the detailed statement herein required may be obtained at the office of the Inspector which the applicant may fill out, and shall sign the agreement contained in said statement, that he will in all respects construct the work in compliance with this ordinance, and it shall not be lawful to proceed to construct, alter, or repair any building or structure except as herein provided, within the limits of the city without such permit.

Blank forms.

Agreement.

10. Every permit issued shall be subject to revocation should the Inspector become convinced that the work done under said permit is proceeding in violation of this ordinance. Revocation of a permit shall be in writing and shall be served on the owner, superintendent, or contractor in charge of the work, or posted on the property; and from and after such revocation of permit all parties doing any work or furnishing any materials in or about said buildings, structures, or premises shall be guilty of a misdemeanor within the terms of this ordinance and subject to a fine or imprisonment as provided herein.

Id. § 6.
When permits may be revoked.

Penalty.

11. No permit shall be granted for a longer period than six months at any one time, and shall be for as much shorter period as the circumstances of the case will permit, having

Id. § 7.
Duration of building permits.

(a) These fees were fixed by Ord. 2209, approved July 17, 1903, I 295. Ord. 2209 also provides a penalty of five (\$5) dollars to one hundred (\$100)

dollars for the violation thereof, and in default of payment thirty (30) days in jail.

April 2, 1903. due regard to the size of the building to be erected, or the extent and nature of the repairs to be made. If at the expiration of a permit, further use of the street should be needed in order to complete the work undertaken, a new permit may be granted for such time as the Inspector of Buildings may deem proper, not exceeding the said period of six months; provided that every permit shall be deemed to have expired as soon as the work of building or repairing shall be so far advanced as to require no further use of the street for the purpose aforesaid, if within the period named in the permit.

Expiration.

Id. § 8.
Space that may be occupied.

12. The space permitted to be occupied shall be limited in breadth to the number of feet front of the lot on which the building to be erected or repaired is located, and shall not extend toward the center of the street more than fifteen feet from the outer line of a sidewalk on a street 100 feet wide, and not more than 10 feet on a street less than 100 feet wide, provided, that if the owner or owners of the adjoining lot or lots shall consent thereto, building materials may be placed in front of said adjoining lot or lots subject to the same conditions, reservations and restrictions as apply to the portion of the street specified in the permit.

Id. § 9.
Street to be cleared at expiration of permit.

13. All building materials arising therefrom, mortar beds or other temporary structures necessary in building, remaining on the street at the expiration of the permit, shall be removed immediately, and the street put in as good condition as before the granting of the permit; failing to do which the Superintendent of Streets and Sidewalks may do the same at the cost of either the owner or owners, or the contractor or contractors, or both.

Revocation of permit.

The Inspector of Buildings shall have the power to revoke any permit, when in his opinion, the same is no longer needed, or the public good demands it.

Id. § 10.
Meaning of terms:
Public

14. In this ordinance the following terms shall have the meanings respectively assigned to them:

"Public buildings" mean all buildings used as churches, as

a dwelling by more than two families, living independent of April 3, 1908.
each other.

"External wall" means every outer wall or vertical en- ^{External wall,}
closure of any building, not being a party wall.

"Party wall" means a wall that separates two or more build- ^{Party wall,}
ings, and used or to be used jointly by said separate buildings.

"Division wall" means a wall that separates one part of any ^{Division wall,}
building from another part of the same building.

The word "foundation" shall mean that part of the wall ^{Foundation,}
below the level of the street curb.

The term "footing course" means a projecting course under ^{Footing course,}
the base of a foundation wall.

The base of a brick wall means the course immediately above ^{Base.}
the foundation course.

15. Every building except private dwellings and private ^{Id. § 11.}
barns or stables, which may be brick or stone veneer, hereafter ^{Kind of buildings permitted in fire limits.}
erected or enlarged within the fire limits of this city, shall be
built of brick, stone or other incombustible materials, provid-
ed, however, that sheds not exceeding 20 feet by 20 feet and
12 feet high, not containing any combustible materials or
means of heating the same, and also elevators used for the
storage of coal or grain, the external parts of said elevators
shall be covered with incombustible material and must be built
with the approval of the Inspector of Buildings.

16. Every permanent structure shall have its foundation ^{Id. § 12.}
resting upon solid ground, upon concrete, piles or other sub- ^{Foundations.}
structure, and no person shall build a foundation for any brick
building less than four feet below the street grade, or below
the exposed surface of the ground, if the same be below the
street grade. The depth of ten (10) feet below the street
grade is hereby fixed as the standard depth of foundation for ^{Standard depth.}
brick buildings, and for business, manufacturing purposes, or
public buildings. Any person excavating for, or commencing
a foundation for any building at a greater depth than the above
standard depth, shall fully protect all adjoining buildings and
the walls thereof, the foundations of which have been con-
structed at the standard depth. Wherever piles are required ^{Protection of adjoining buildings.}
to be driven for a firm foundation, they shall be driven to a
firm and solid bearing, and the tops shall be cut off at an ele-
vation to secure constant immersion. There shall not be less
than two rows under all external and party walls, and they ^{Piles.}
shall not be spaced over two feet on centers in the direction
in the length of the wall. Foundations shall rest upon a proper
base or footing course. If of stone, each stone shall have its ^{Footing course and base.}
upper and under surface approximately parallel, and shall be
close fitted and bedded solid. The breadth of every base
course shall not be less than twelve inches wider than the wall
to be placed upon it, and of such extra width as, in the judg-
ment of the Inspector of Buildings, the character of the soil
may require.

BUILDINGS.

April 2, 1908.

17. The thickness of walls of all business, manufacturing and public buildings shall not be less than the number of inches shown in the following table:

Thickness of walls in business buildings.

[illegible]

The figures in the following table shall be the thickness required in inches for all walls of dwelling houses:

4th Floor
3rd Floor
2nd Floor
1st Floor
Basement

	Basement.....	1st Floor.....	2nd Floor.....	3rd Floor.....	4th Floor.....	April 3, 1903. of business and dwell- ing houses combined
Basement and 2 stories, external and party walls.....	16	12	8			
Basement and 3 stories, external and party walls.....	20	16	12	8		
Basement and 4 stories, external and party walls.....	24	20	16	12	12	
Basement and 2 stories, division walls	16	12	8			
Basement and 3 stories, division walls	20	16	12	8		
Basement and 4 stories, division walls	20	16	12	12	8	

Whenever rubble-stone walls are used, they shall not be less than one-quarter thicker than the wall specified in the foregoing table; provided, however, that no rubble-stone wall of less thickness than eighteen (18) inches be used.

In all buildings over fifty (50) feet in width, not having either brick partition walls or girders supported by columns running from front to rear, the external walls shall be increased four (4) inches in thickness for every additional fifty (50) feet in width of said building.

Bearing walls over one hundred and fifteen (115) feet in length, without cross walls or buttresses of equal height with the wall shall be four inches thicker than above required.

18. Where there is a flat hip or pitch roof, the party wall shall be carried up to a height of not less than two and one-half ($2\frac{1}{2}$) feet above the roof, covering at every part of said roof, and shall be corbelled at least twelve (12) inches, or to the outer edge of all projections on the front or rear walls of the building. And where the roof is of the kind known as the mansard, or French, or of any style except as above specified, unless the same is constructed of fireproof materials throughout, the party wall shall be carried up to a height of not less than two and one-half ($2\frac{1}{2}$) feet above the flat or upper slope of said roof, and shall extend through the lower slope at least eighteen (18) inches from and parallel with the roof covering, and be corbelled out at least twelve (12) inches, or to the outer edge of all projections; provided, that if a gutter stone of suitable dimensions and properly balanced shall be inserted, it shall be equivalent to corbelling.

19. Recesses and openings may be made in external walls, provided, the thicknesses of the backs of all such recesses be not less than eight (8) inches and provided the whole area of all the recesses and openings do not exceed in said wall one-half of the area of the wall.

Rubble stone walls to be at least 25 per cent thicker

Certain wide buildings to have thicker walls.

Also certain bearing walls over 115 feet long to be 4 inches thicker.

Id. § 14.

When party walls to be carried above roof.

Corbelling.

Id. § 15.

Recesses in external walls;

April 2, 1903.

Cutting
doorway in
party wall;
Notice.

Dimen-
sions; pro-
tection;
When out of
use to be
filled with
masonry.

Id. § 16.

Recesses in
party walls.

Manner of
building
Hollow
walls,

Exterior
walls

Stone
facing

Stone
Cornice

Whenever it becomes desirable to cut a doorway to any party wall separating two buildings, a notice of the intention to do so shall be filed with the Inspector of Buildings.

Any such doorway shall not exceed ten (10) feet in height, by eight (8) feet in width, and shall have top, bottom and sides of stone, brick or iron. The said doorway shall be closed by two (2) sets of wrought iron or metal covered doors, hung to rebated iron frames and separated by the thickness of the wall. Whenever such doorway ceases to be used it shall be filled up with masonry.

20. No continuous vertical recess of more than four (4) inches in depth shall be made in any twelve (12) inch party wall, and no recess of any kind shall be made in any eight (8) inch party wall. Hollow walls may be built, but all such walls shall be tied together with incombustible anchors placed not more than three (3) feet apart. If used as bearing walls their thickness shall be reckoned by their solid parts unless either part is at least eight (8) inches thick, and solid vertical connections are made not less than twelve (12) inches wide, nor more than eight (8) feet apart from centers, in which case two-thirds of the hollow space shall be counted with the solid parts. Exterior walls faced with stone shall have a backing of not less than eight (8) inches of hard brick work laid in mortar. But in no case shall the thickness of stone and backing taken together be less than the thickness required for a brick wall of the same height. The stone facing of a wall shall always be tied to the brick backing securely by means of metal clamps. In all cases where a wall is finished with a stone cornice, the greatest weight of material of said cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall; provided that the limestone and granite be not allowed. In every brick wall every seventh course shall be a heading course, except in walls built with some bond, in which as much as every ninth course is

such supports shall be of iron, brick, or stone and of sufficient April 8, 1908. size and strength to support the superstructure.

21. All lintels used to support walls or other weights over openings shall be of sufficient strength and bearing to carry the superimposed weight, and when such openings are more than four feet in width, they shall when supported at the end by brick walls or piers, rest upon an iron plate at least one inch thick the full size of the bearing, or stone of sufficient thickness to be of equal strength. Id. § 17.
Strength of
lintels, iron
plate to rest
on.

No timber shall be used in any wall of any building where stone, brick, or iron is commonly used, except arch forms for interior arched openings. Wood ex-
cluded from
brick, etc.,
walls.

22. The side or party walls shall be anchored at each tier of beams, at intervals of not more than ten (10) feet apart with good strong wrought iron anchors, at least one-half ($\frac{1}{2}$) inch by an inch and one-half ($1\frac{1}{2}$), well built into the sides of the walls and fastened to the bottoms of the beams; and where the beams are supported by girders, the ends of the beams resting on girders shall be butted together end to end and strapped by wrought iron straps or tie irons at the same distance apart, and in the same beams as the wall anchors, and shall be well fastened. The thickness of every wall as herein determined shall be the minimum thickness as applied to solid walls. The height of every external or party wall as referred to in this ordinance, shall be measured from the level of the sidewalk to its highest point. Id. § 18.
Anchoring
walls,
Tie-irons,
Thickness,
Height cal-
culated
from side-
walk
level.

23. The heights of stories for all given thicknesses of walls must not exceed nine (9) feet in the clear for basement; not less than sixteen (16) feet in the clear for first story; not less than thirteen (13) feet in the clear for second story; not less than twelve (12) feet in the clear for third story; not less than eleven (11) feet in the clear for fourth story, and fourteen (14) feet average clear height of upper stories. If any story exceeds these heights respectively, the walls of such story, and of all the stories below the same shall be increased four (4) inches in thickness additional to the thickness already mentioned. Id. § 19.
Standard
height of
stories,
Thicker
walls when
stories are
higher.

24. The amount of materials above specified for external walls may be used either in piers or buttresses; provided, the external walls between said piers or buttresses shall in no case be less than twelve (12) inches thick. If adjoining owners, instead of a party wall shall each at the same time erect a wall on his own land, such wall may be sixteen (16) inches in thickness to such height as they may be contiguous, provided, the same is not more than three (3) stories in height. Id. § 20.
Effect of
piers or but-
tresses on
thickness of
wall.
Thickness of
adjoining
walls erect-
ed simul-
taneously.

25. Every building hereafter erected more than thirty (30) feet in width, except churches, theatres, railroad stations and other public buildings, shall have one or more brick or stone partition walls running from front to rear, and carried up to a height not less than the top of the second floor joists; these walls shall be so located that the space between any two of the floor bearing walls of the building shall not be over twenty-five (25) feet. Iron or wooden girders supported on iron or Id. § 21.
Masonry
partitions
or girders in
certain wide
buildings.

April 3, 1903.

Levelers.

Id. § 22.

6 story
buildings to
be fire-proof;
height
above ad-
joining
buildings;
walls to be
braced.

Id. § 23.

No building
to be over
125 feet in
height.

Id. § 24.

Unused
doorways to
be bricked
up.

Id. § 25.

Walls not to
project be-
yond build-
ing line.

Id. § 26.

Single frame
dwellings
limited to 4
families.

Partition
walls in
double
dwellings
and flats.

wooden columns or brick piers may be substituted in place of partition walls and shall be made of sufficient strength as to bear safely the weight which they are intended to support, and shall have a footing course or leveler for each column, not less than three (3) feet six (6) inches square, and one (1) foot six (6) inches thick.

26. All buildings six stories or over in height shall be made fire-proof. In the construction of any building no wall shall be carried to a greater height than two (2) stories above any other adjoining wall.

Walls of any building shall be securely braced during the process of erection.

27. No person or persons shall build a building in the city higher than one hundred and twenty-five (125) feet above the highest point of the grade of the sidewalk in front of said building to the top of the highest ceiling joists of said building; but this shall not be construed to mean steeples, cupolas, pinacles and towers.

28. Whenever any doorway which has been left open at the time of construction, or made afterwards, in any party or division wall between two buildings, shall cease to be used, it shall be filled up with brick and mortar.

29. The face of the wall, pilaster or column of any building above the level of the main water table, unless such column or pilaster is merely part of any portico, window, or window dressing shall not project beyond the building line.

30. No single frame dwelling shall be erected which shall contain accommodations for more than four (4) families. Double dwellings or blocks of dwellings may be (a) built to contain accommodations for more than two families, shall be separated from the next part on either side by a wall built as follows:

This partition wall must be built of two by six (2x6) studding with spaces between the studding filled full of mineral wool or any other approved fire-proofing material from the brick wall in basement up to and close under the roof boards.

32. Frame buildings veneered on the outside, not to exceed ^{April 3, 1903.} § 22. two (2) stories in height, with four inches of brick or stone, may be erected, but such brick or stone work must be erected ^{Veneered dwellings.} on continuous foundation of masonry and must be properly anchored to frame structure, and in all other respects they shall be treated as frame buildings. (a)

33. No portico, bay or oriel window, or other portion of any building shall extend over or beyond the established ^{Id. § 20.} Buildings not to project beyond line. building line. (b)

34. Any person desirous of utilizing the space under the sidewalk in front of any building owned by him shall construct a sufficient stone wall not less than two (2) feet thick to retain the roadway of the street, and shall extend the sidewalks, division and party walls of such building under the sidewalk to such curb wall. The sidewalks in all such cases shall be of incombustible material entire, supported by walls or iron beams and columns of sufficient strength to safely carry a load of not less than two hundred (200) pounds to the square foot, exclusive of the material used in the construction of such walk. ^{Id. § 30.} How space under sidewalk may be used.

Openings in such walks for the admission of coal or light shall be covered with prismatic lights in iron frames, or with iron covers having a rough surface, and in no case will a smooth surface be tolerated on such cover. ^{Covers for openings.}

35. Isolated brick piers shall be built of good hard burnt brick, and under all lintels and girders over four feet span, and iron or other columns, shall be a cap iron at least one inch thick, or a cap stone the full size of the pier, eight inches thick. In case of an external brick pier, the plate may be reduced sufficiently in size to allow four (4) inches of brick work to intervene between the edge of the plate and face of the pier exposed to the weather. ^{Id. § 31.} Brick piers; their caps.

36. Columns supported by walls or piers shall rest on an ^{Id. § 32.} Columns, how erected. iron plate at least one inch thick, or upon a cap stone at least ten (10) inches thick. Under all columns shall be an ironed plate of not less than one inch in thickness.

All columns must be wrought to a true bearing at right angles with the axis, and must be set plumb without wedging up, provided that all iron columns shall have straight cores and be of equal thickness of metal on all sides. Every pier or column supporting walls of masonry shall have as a footing course a broad leveler of stone of sufficient thickness, and with a bearing surface equal in area to the square of one foot more than the width of the footing course required for a wall of the same thickness as that borne by the pier or column; and if the foundation of such piers or columns rest upon piles, a sufficient number shall be driven to secure a proper support.

37. Every brick pier shall have one or more binders built therein, either of iron not less than one inch thick, or of stone not less than six (6) inches thick. These binders shall be the full size of the pier, except in piers on the street front above the curb, where they may be four (4) inches less in diameter. ^{Id. § 33.} Binders in brick piers.

(a) See *Infra* 86.

(b) See *Infra* 95.

April 3, 1903. The distance between any two binders, or between either of them and the cap stone or base of the pier shall not exceed four (4) feet.

Id. § 34.
Floor beams and rafters. 38. Floor beams shall have a bearing of at least eight inches at each end. Every trimmer or header more than four (4) feet long used in the floor of any building, except a dwelling, shall be hung in stirrup irons of suitable thickness for the weight to be supported. The buts or ends of all floor beams and rafters entering a brick wall shall be out on a splay of six inches in their width.

Id. § 35.
Main partitions to be directly over each other. 39. All main partitions, supporting in any manner the floor beams or rafters, shall be placed directly over each other, and shall rest on a wall girder, or hard pine capping, and shall head and foot against each other as far as practicable.

Id. § 36.
Timbers entering party walls. 40. Roof or floor timbers entering the same party wall from opposite sides shall have at least four inches solid brick work between the ends of said timbers.

Id. § 37.
Plates under ends of girders. 41. Under the ends of iron or wooden girders, resting in walls, a stone template shall be built into the wall not less in width than four (4) inches less than the thickness of said wall, and not in any case less than four (4) inches in thickness and eighteen (18) inches long. Iron wall plated not less than one inch in thickness shall be used in place of such templates.

Id. § 38.
Flat roofs. 42. Flat roofs shall be constructed to bear a safe weight, exclusive of materials, of not less than seventy-five pounds per superficial foot.

Id. § 39.
Joists near chimneys; brick to project between joists. 43. All floor beams, joists and headers shall be kept at least three (3) inches clear of any wall enclosing a fire flue or chimney breast. The space left between the framing and such flues shall be filled solid with gauged mortar, to be a heavy coat of plastering put on the walls of such flues before any other wood work shall be placed against it.

All buildings for residence and business purposes shall have

Factories, mills and buildings where more than twenty-five (25) operatives are employed, hotels, boarding, tenement, lodging, and apartment houses and business buildings less than fifty (50) feet high not hereafter especially mentioned shall have the partitions adjacent to, or enclosing said stairways, constructed of incombustible materials, or of at least two or three studding, plastered on both sides and projected as follows: The space from the top of the lathing or head of the partition below, to a line three inches above the top of the baseboard, or six (6) inches above the top of the floor; if there be no baseboard, and the space adjoining the string of the stairs from the under side of said strings to a line three (3) inches above the baseboard thereof, or six inches above the rake of the mossings; if there be no baseboard, shall be filled in with solid brick or stone set in mortar, concrete, grouting, tile, or other incombustible material; if the stairs are wainscoated, there shall be a similar filling three (3) inches above and below the top lines of the wainscoating. Where such buildings are over three (3) stories high, and in warehouses, storehouses, and business buildings over fifty (50) feet high, said partitions shall be constructed as above described, and shall be further either filled solid in a similar manner for the whole height thereof, or be plastered on the side adjoining the stairway on iron lath or wire netting, or covered with tile or other incombustible non-conducting material.

April 3, 1903.

in factories, hotels, apartment and business buildings.

Fire proof requirements for stairways in factories, etc.

45. It shall be the duty of the owner of any such business building, before allowing the same, or any part thereof, to be occupied, to have the same carefully examined by a competent master builder not interested in its construction, and who shall be approved by the Inspector of Buildings; and such master builder shall certify to the weight per square foot each floor of said building can safely sustain, and a copy of such certificate shall be kept constantly posted by the owner, where the same can be readily seen and read from such floor. The minimum capacity, however, of any floor shall be one hundred and twenty-five (125) pounds per square foot, and the Inspector of Buildings may require a new examination whenever he shall deem it necessary.

Id. § 41.

Capacity of business buildings; certificates to be posted.

Minimum to be 125 lbs. per sq. ft.

46. The weather covering of all roofs, cornices, gutters, eaves, and parapets within the fire limits shall be made of incombustible material. The slope of composition roofs shall not exceed two (2) inches to the foot. No uncovered tar, composition, rosin, felt or woodwork shall in any way be exposed on any roof or its appendages.

Id. § 42.

Roofs and appendages in the fire limits.

Appendages to any business building, above the first story and above thirty (30) feet from the grade of the sidewalk, on any other building, if not wholly of incombustible material, shall be enveloped with metal.

Dormer windows, cornices, mouldings, balconies, bay windows, towers, spires, ventilators, etc., shall be considered as appendages.

47. Incombustible cornices shall be well secured to walls, independent of any wood work, and in all cases the walls shall be carried up to the planking of the roof, behind the cornice,

Id. § 43.

Fire-proof cornice.

April 3, 1903.

Wall construction near cornice.

and where the cornice projects above the roof, the walls shall be carried up to the top of the cornice, and all exterior wooden cornices on brick, stone, or iron buildings, that shall be hereafter required to be replaced shall be constructed of some incombustible material, as required for new buildings; and every exterior wooden cornice or gutter on brick, stone, or iron buildings that may hereafter be damaged by fire to a greater extent than one-half the value thereof, shall be taken down, and if replaced, shall be constructed in accordance with the provisions of this ordinance.

Id. § 44.

Metallic doors and shutters for rear openings of certain factories and stores; prismatic lights.

48. All stores, storehouses, mills, and manufactories that may hereafter be erected in the city, which are more than two (2) stories high shall have doors, blinds or shutters, made of fire-proof materials, on every window and entrance where the same do not open on a street, or are within fifty (50) feet of any opposite building. When in any such buildings the shutters, blinds, or doors cannot be put on the outside they shall be put on the inside and hung upon iron eyes, frames, independent of any woodwork; shutters above the first story to be arranged so that they can be opened from the outside. This, however, shall not apply to fire-proof buildings or buildings used exclusively for offices. Prismatic lights in iron frames shall be regarded as equivalent to iron shutters.

Id. § 45.

Elevators and hoistways.

49. Hoistway openings except where elevators are used, shall have trap doors covered with metal on the under side, on all floors with sufficient guards for protection during the hours of business, and such doors shall be closed at all other times. Hoistways in which an elevator shall be used shall have a fire-proof shaft started at the lowest point reached by said elevator, and from such point extend up through and six (6) feet above the roof, doors in such shaft shall be made of metal, and the catches or fastenings upon such doors shall be so placed that they can be opened only from the inside of the shaft, and entirely under the control of the elevator operator. All openings not having doors shall have metallic frames filled with prismatic

building shall be a tenement house the door in the bulkhead, April 2, 1902.
or any scuttle shall at no time be locked, but may be fastened
on the inside by bolts or hooks. All skylights exceeding fifty
(50) superficial feet shall have frames of sash constructed en-
tirely of iron.

51. All buildings now or hereafter erected fronting on a
street shall be kept provided with proper leaders for conducting
the water from the roof to the ground, sewer, street, gutter, or
dry well, in such manner as shall protect the walls and founda-
tions from damage, and in no case shall the water from the
said leaders be allowed to flow upon the sidewalk. Id. § 47.
Have spouts
and leaders.

52. No person shall construct or maintain any chimney or
other conduit for smoke, except the same be built of brick or
other fire-proof material other than sheet iron; but smoke
conduits for boilers, factories, and mills, and stovepipes leading
from stoves to chimneys are not hereby prohibited if the same
shall be approved by the Inspector of Buildings. Id. § 48.
Fire-proof
chimneys
and smoke
conductors.

53. All brick flues shall have flush struck joints and the
walls of the flues shall not be less than six (6) inches thick. Id. § 49.
How con-
structed.
Tile pipe of the best grade, not less than one-half inch in thick-
ness to be used as a lining to a brick chimney, the walls of which
are not less than four (4) inches thick is not hereby prohibited.
All flues for boilers, furnaces, and ovens shall be of brick work
eight (8) inches in thickness to a height of twenty-five (25)
feet above said boilers, furnaces and ovens.

No chimney shall be built with walls less than four (4)
inches thick, and all chimneys having four (4) inch walls shall
be lined throughout their entire length with tile flue lining. If
the walls of chimneys are built of brick eight (8) inches thick
and the brick are push-placed, the tile linings may be omitted.
The inside joints of chimneys not lined with tile shall be struck.
No chimney shall under any circumstances rest upon any wood
construction, and shall be built straight through the roof from
the base. In no case shall flues be less than eight (8) inches by
eight (8) inches. All flues shall be topped out at least four (4)
feet above the roof of the building to which they belong, if
flat, and two (2) feet above the ridge of a pitched roof.

54. All flues in party walls shall be kept at least two (2)
inches from the party line of said walls, except joint flues, Id. § 50.
Flues in
party walls.
which shall be separated by a four (4) inch width of brick
work their entire length.

55. No smoke pipes in any building with wooden or com-
bustible floors or ceilings shall hereafter enter any flue, unless
the said pipe shall be at least twelve (12) inches from either
the floors or ceilings, and in all cases where smoke pipes pass
through stud or wooden partitions of any kind, whether the
same be plastered or not, they shall be guarded by a brick ring,
not less than three (3) inches in thickness, and extending
through the partition, or by a solid coating of plaster of paris
three (3) inches thick, or by an earthenware ring three (3)
inches from the pipe. In all cases where hot water, steam, hot
air, or other furnaces are used, the furnace pipe must be kept
at least two (2) feet below the beams or ceilings above the
same, unless said beams or ceilings shall be properly protected Id. § 51.
Fire protec-
tion from
stove pipes
and hot air
pipes.

April 3, 1903. by a shield or thin plate suspended above said smoke pipe, with sufficient space for free circulation of air above and below said shield, and the smoke stack shall in all cases be kept at least eight (8) inches from the beams or ceilings aforesaid.

Id. § 52.
Top of furnace. 56. The tops of all furnaces set in brick must be covered with brick, slate, or sheet metal supported by iron bars and so constructed as to be perfectly tight, said covering to be in addition, and not less than six (6) inches from the ordinary covering to the hot air chamber. The top of every portable furnace not set in brick shall be kept at least one foot below the beams or ceilings with a shield of metal made tight, and suspended below the said beams or ceilings, and extended one foot beyond the top of the furnace on all sides.

Id. § 53.
Hot air registers. 57. All hot air registers from hot air furnaces hereafter placed in the floor of any building shall be set in iron borders not less than two (2) inches in width. There shall be open space of one inch on all sides of the register box, extending from the under side of the ceiling, below the register to the border in the floor, the outside of said space to be covered with a tin plate casing made tight on all sides, to extend from the under side of the aforesaid ceiling up to and under the said border.

Id. § 54.
Plumbing across beams. 58. Gas, steam or other pipes which may be introduced into any building other than a dwelling house shall not be let into the beams, unless the same be placed within twelve (12) inches of the end of the beams.

Id. § 55.
Asbestos covering for hot pipes. 59. Hot air, hot water, and steam pipes when placed in the partitions or under the floors of a building shall be covered with a covering of asbestos.

Id. § 56.
Fire place hearth and back. 60. Hearths of fire places or grates shall be laid upon brick or other trimmer arches or upon bars of iron supporting a bed of brick work. The back of all fire places shall not be less than eight (8) inches thick.

Id. § 57.
Boiler room protection. 61. All boiler rooms hereafter constructed in any building other than dwelling houses shall be protected with either brick

shall be deemed a public hall within the meaning of this ordinance. April 3, 1903.

64. No doorway or stairway leading from a public hall shall be less than five (5) feet wide; and the aggregate width of a doorway or stairway from galleries or interior compartments of such buildings shall be in the proportion of at least eighteen (18) inches to each one hundred (100) persons at any time contained therein. Exterior openings of stairways shall have the same proportionate width to the whole number contained in the building. No stairway to any public hall or part thereof, shall rise more than ten (10) feet without a platform, and no winders, wheeling or circular steps shall be used. Each stairway and passageway shall have a strong handrail on each side thereof, through its entire length. All doors of exit in theatres and public halls shall open outwardly and shall be hung to swing in such manner as not to become an obstruction in a passageway or corridor, and no such doors shall be closed and locked during the performance of any theatre, or other exhibition or on any other occasion when the building is open to the public. Id. § 60.
Theater exits;
Doors to open outwardly;
Not to be locked during performance;

No stool or seat shall be placed or allowed to remain in any aisle or passageway, nor shall any person be permitted to sit, stand or remain in any aisle or passageway during a performance or when the building is open to the public. No seats in the aisles.

65. Every public hall with accommodations for five hundred (500) or more people shall have at least two separate and distinct exits, to be as far apart as can be found practicable. Id. § 61.
No. of exits required.

Public halls accommodating seven hundred (700) or more persons shall have at least three (3) separate and distinct exits.

66. No portion of the main floor of any hall not used as a theater, and with accommodations for five hundred (500) people shall be elevated to a greater height than thirty (30) feet above the street grade. Halls with accommodations for one thousand (1,000) persons or more shall have the main floor not over twenty (20) feet above the street grade. No portion of the main floor of any theatre with accommodations for five hundred (500) persons shall be more than ten (10) feet above the street grade. Id. § 62.
Main floors of Halls and Theaters; maximum height.

67. In all theatres the proscenium wall shall be of brick work not less than ten (10) inches thick, extending from the ground through, and four (4) feet above the roof; this brick wall to extend entirely across the building from the floor of the stage to the ground. All openings required in any part of the wall (except the principal openings), shall have proper iron doors. Id. § 63.
Proscenium wall.

68. All auditorium floors in theatres shall be fire-proof, either by deadening the same with at least two (2) inches of mortar, or by having the under side of joists lathed with iron and plastered with at least one heavy coat of mortar. Id. § 64.
Auditorium floors to be fire-proof.

69. All partitions for rooms or passages in theatres not made bodily fire-proof shall be plastered on both sides on iron or wire lathing. Id. § 65.
Theater partitions.

April 2, 1903.
§ 66.

Egress
openings to
be marked
"Exit."
Aisles to be
unobstruct-
ed.

Id. § 67.

Fire-proof
scenery.

Id. § 68.

Stage venti-
lator in roof.

Id. § 69.

Fire plug
and alarm
box for
theaters, etc.

Id. § 70.

Experienc-
ed firemen
to be em-
ployed.

70. Egress openings on public halls shall have the word "exit" conspicuously placed over them, and shall otherwise conform to the requirements of this ordinance.

The aisles or passages in such halls shall at all times be kept unobstructed.

71. All materials used for scenery shall be coated with such paints, washes, etc., as will make them so far as possible, incombustible.

72. All theatres or other places of public amusement, having a seating capacity of over five hundred (500) persons, and having a platform or stage, and using drop curtains or other shifting scenery, shall have a suitable ventilator placed upon the roof opening to the space above the stage. Such ventilator shall be arranged with valves or shutters that can be readily opened in cases of fire, so that a current of air will pass over the stage and outward through said ventilator. Any other contrivance having the same effect and approved by the Inspector of Buildings may be used instead of the ventilator above described.

73. All buildings such as above described shall have a water standpipe and water plug placed on the stage or platform, or in their immediate vicinity, which shall be connected with the city water mains, and shall be put in under the direction and to the satisfaction of the Chief of the Fire Department. Hose shall be attached to said standpipe of such size as may be directed by said Chief, to have nozzle and stop cock attached thereto; such hose shall be of sufficient length to extend to the farthest limits of such building or place of amusement, and shall at all times be kept in good order and repair.

Public halls shall also be provided with fire alarm telegraph apparatus connected with the headquarters of the city fire alarm telegraph.

74. It shall be the duty of the agent, owner, lessee, or occupant of any theatre with accommodations for one thousand

dark until sunrise, each night during the time such obstruction April 3, 1902. remains.

77. A sidewalk or passageway at least four (4) feet wide shall be kept in front of any building during the process of its construction, which temporary sidewalk shall extend from the side of the permanent sidewalk in front of each lot adjoining the sides of the lot on which said building is being built, and shall be laid out and around the space to be used for the materials for building said building, but shall be laid wholly within that part of the street which is so permitted to be used for such building material, which temporary sidewalk shall at all times be kept clear for the passage of persons over same, and no person shall leave any material, tools, implements, or machinery thereon. Said temporary sidewalk shall be constructed of two (2) inch plank, laid three (3) inches apart on good and sufficient sleepers. The respective ends of said temporary sidewalk shall be laid even with the sidewalk to which it is attached, and there shall be a fence five (5) feet high, built from the line of the fence to the street line on both sides of any place where the sidewalk shall be removed or constructed by such building operations. No person shall occupy said street or the sidewalk for building operations without having first completed said sidewalk and fence, and during the time of such occupation of said street for such building operations, such person or persons shall maintain and keep in repair both said temporary sidewalk and said fence. Said temporary sidewalk shall be provided with a board roof to protect pedestrians from falling bricks or other building materials, whenever so ordered by the Inspector of Buildings, and said temporary walk and the building materials shall be so placed and maintained as not to obstruct the gutter which shall be kept unobstructed so as to permit the free passage of water.

Id. § 72.
Temporary
roofed side-
walk
front of
buildings
under con-
struction;

Fences;

Gutter to be
kept open.

78. Where awnings are attached to buildings the frame work shall be of metal. All signs placed on any building above the sills of the third story windows shall be made of incombustible materials. No wooden signs shall be more than two (2) feet in width. (a)

Id. § 74.
Awnings and
signs on
buildings.

79. Whenever in the opinion of the Inspector of Buildings any wall or other part of a burned building shall be deemed unsafe for the purpose for which it is used or shall be in danger of being set on fire from any defect in construction, the Inspector of Buildings shall notify the owner or his agent in writing, specifying wherein such danger consists, or wherein such building is unsafe or defective. If the owner neglects or refuses for the space of five (5) days after the serving of such notice to proceed to put such building in a safe condition or forthwith to pull down or secure such wall or dangerous part of a burned building he shall be subject to the penalty herein provided.

Id. § 75.
Unsafe walls
of burned
buildings.

80. It shall be unlawful to repair any frame building within the fire limits of the city when such building shall have been damaged by the elements or decay to the extent of fifty (50)

Id. § 76.

Frame
buildings
damaged 50
per cent not
to be re-
paired;

(a) See title "Signs and Awnings," post.

April 8, 1908.

Inspector to
decide
damages;

Appeal.

Arbitra-
tion;
Fees.

Id. § 77.

Fire-proof
vaults for
shavings,
etc., requir-
ed in wood
work factor-
ies.

per cent of the value of such building. The decision of the Inspector of Buildings shall be conclusive as to the amount of damage to any building, caused by the elements or decay, unless the owner of such building objects to such decision, and files with the Inspector of Buildings a petition asking for the appointment of arbitrators to determine the question of damages. If the Inspector of Buildings shall determine that the damage is less than fifty (50) per cent, then a majority of owners of property within one hundred (100) feet of the building in question may in their turn ask for the appointment of arbitrators to determine the question of damage. The arbitration shall consist of three disinterested builders, one to be chosen by the Inspector, one by party filing the petition, and the third by the two builders thus chosen, who shall be duly sworn to make a thorough examination of the damaged premises. The decision of the majority of such arbitration filed with the Inspector of Buildings shall be final and conclusive. The party asking for arbitration shall on filing his petition pay fifteen (\$15) dollars to the Inspector of Buildings which shall be paid by him to the arbitrators in full of all costs of arbitration.

81. No building shall be used in whole or in part for any of the trades or occupations hereinafter mentioned, to-wit: Planing mills, sash, door and blind factories, carpenter or cooper shops, wagon or carriage shops, cabinet factories, wood turning and veneering works, agricultural implement factories, box or shingle factories, or any other wood working factory or shop, unless such building shall have in connection with it a brick or fire-proof vault of sufficient capacity to contain all shavings, sawdust, chips or other light combustible refuse connected therewith, and all such shavings and other light combustible refuse shall be removed daily from such premises to such vault. In no event shall proprietors, owners, and lessees of such manufactories allow combustible refuse to accumulate upon any lot or in any building unless stored in a fire-proof vault.

Id. § 78.

of Fire Commissioners, (a) which permit shall state specifically all the conditions to be complied with in moving such building, shall prescribe the route to be taken, and limit the time for removal. The person applying for such permit shall deposit a sum of money with the Inspector of Buildings equal to five (\$5.00) dollars for each and every day the building occupies any of the city streets, and said amount of money or so much thereof as is necessary, shall be used to defray the expense of a competent man appointed by the City Electrician to see that all the wires with which the building comes in contact are properly taken care of; and upon the receipt of a certificate from said City Electrician, certifying that the wires have been properly taken care of, and also to the number of days said man was employed at same, the Inspector of Buildings shall pay to said person a sum not to exceed three (\$3.00) dollars for each day he has been employed, out of the funds deposited by the applicant for the permit. Any of the money remaining in the funds of the Inspector after paying the said person shall be immediately returned to the contractor or applicant for the permit. (b)

April 3, 1903
Permits.

Deposit for
expenses.

83. No frame building in the city shall be removed unless such building is worth at least fifty (50) per cent of the cost of a similar new building. Said Board of Fire Commissioners may refuse to grant a permit for the removal of any building if, in its judgment, there is good and sufficient cause for so doing. No person or persons shall move any frame building in the fire limits of this city. (b) Hereafter, before any building shall be allowed to be moved within the limits of this city, all chimneys in said building shall be removed.

Id. § 79.

When permit to move
buildings
may be refused.

84. Every building in which a fire is used whether the same shall have been constructed prior to the enactment of this ordinance or not, shall be provided with good and substantial brick chimneys properly lined with good approved flue-lining, provided that chimneys heretofore constructed not having flue-lining, may remain so long as they are apparently safe.

Id. § 80.

Chimneys
required
where fire is
used; how
built.

85. It shall be the duty of the Inspector of Buildings to see that the fire escape law enacted by the General Assembly of the Commonwealth of Pennsylvania is properly enforced.

Id. § 81.

Fire escapes.

86. In case any person shall feel aggrieved by any order of the Inspector of Buildings made in pursuance of his authority under the foregoing ordinance, he or she shall have the right to appeal to the Board of Fire Commissioners, who are authorized and empowered to examine into and finally dispose of all matters coming before them, and all such appeals shall be made in writing and shall state specifically of what particular point or order they shall feel aggrieved at, pending the hearing on such appeals, the order of the Inspector of Buildings shall remain in abeyance for ten (10) days unless the Board of Fire Commissioners may sooner dispose of the matter.

Id. § 82.

Appeal from
action of In-
spector.

87. It shall be the duty of the City Electrician to see that all interior electrical wiring is done in conformity to the rules of the National Board of Fire Underwriters.

Id. § 83.

Electrical
wiring.

(a) See "Fire Dept."

(b) See Infra 91, 92.

April 3, 1903
Id. § 84.

Penalty.

88. Any person, firm or corporation, either as owner, constructor or architect, or any agent, trustee, director, officer, or employe of any person, firm or corporation who is found guilty of a violation of this ordinance or any part thereof shall be subject to a fine not exceeding one hundred (\$100) dollars, nor less than five (\$5) dollars, and in default thereof undergo an imprisonment in the County Jail not to exceed thirty (30) days.

Id. § 85.

Repeal.

89. That the ordinance entitled, "An Ordinance to regulate the construction, repairs and removal of buildings in the City of Erie," approved April 1, 1895, and all other ordinances or parts thereof, conflicting herewith, be and the same are hereby repealed.

Ord. 1963,
Dec. 18, 1901.
§ 1, I. 82.

Veneered
buildings in
fire limits.

90. Hereafter no veneered buildings shall be permitted to be erected in the fire district of the City of Erie, except when to be used exclusively as dwelling houses or private barns; all outside walls of all buildings, whether party walls or not, shall be built in the same manner as party walls are now required to be built. (a)

Ord. 923,
Jan. 22, 1894.
§ 1, E. 358.

Buildings
not to be
moved in
fire limits.

91. That from and after the approval of this ordinance, it shall be unlawful for any person or persons whatsoever to move any frame, brick or veneered building of any kind or description whatsoever upon any of the streets or pavements in the fire limits of the City of Erie. (b)

Id. § 2.

Repeal.

92. That any authority now vested in the Fire Commissioners, authorizing them to permit the removal of such building or of any other building within the fire limits of the City of Erie, be and the same is hereby withdrawn. (b)

Feb. 8, 1881.
§ 3, A. 559.

Additional
duties of In-
spectors of
Buildings.

93. The said Building Inspector * * * shall have full power, and it shall be his duty, to regulate the construction of all buildings, (c) in said city, so far as may be necessary for the purpose of securing a proper degree of protection from accidents by fire. To this end he shall order and require such improvements or changes in the construction of chimneys and flues, the setting up and securing of furnaces, stoves, and other

occupant of any such building or place, to remove or otherwise safely dispose of such ashes, shavings (a) or other combustible materials; and in case such tenant or occupant shall refuse to so do at once, the said inspector shall remove, or cause to be removed, the same at the expense of the said tenant or occupant. And any such tenant or occupant who shall, when thereto directed by said Building Inspector, neglect or refuse so to remove any such ashes, shavings or other combustible materials, shall be liable to a penalty, for each such neglect or refusal, not exceeding twenty dollars. It shall be the special duty of the Building Inspector, when requested by any responsible citizen, representing that a particular building is in an unsafe condition, or is occupied or used in a manner such as to create serious danger of fire, to make an examination of said building, as soon as possible, and take such action in relation thereto, as will remove, or cause to be removed, the danger complained of. (b)

Feb'y. 8, 1881

Duty as to unsafe buildings when notified.

95. * * * The owner or occupants of any building encroaching upon any street or public square of this city, shall be liable to all the penalties hereinbefore provided against persons causing obstructions upon the streets and public square of the same, unless such building shall have been erected on the line established by and in conformity to the direction of the City Surveyor. (c)

July 12, 1888.
§ 24. A. 237.

Buildings not to encroach on streets; penalty.

(a) See Supra 81.

(b) The sixth Section of this Ordinance prohibits interference with the Building Inspector in the performance of his duty and provides a penalty of twenty-five (\$25) dollars for violations

of such part of this Ordinance as are not covered by a different penalty. The Chief of Fire Dept. was *ex-officio* Building Inspector under this Ordinance.

(c) See Supra 33.

Carriages, Drays, Etc., for Hire.

1. Every coach, etc., to have lighted lamps attached during night time; penalty.

2. Not to solicit passengers at R. R. stations against their wishes, nor make disturbance of any kind; Penalty for so doing.

3. But one person may solicit passengers and not to interfere with rights of others.

4. Runners for soliciting passengers not allowed about railroad depot, etc.; penalty.

5. Mayor to designate police to pre-

serve order about R. R. depots.

6. Stand for carriages, etc., kept for hire designated; penalty.

7. Carriages used for disreputable purposes; penalty.

8. Maximum rates of fare.

9. Card of rates to be posted in conveyance.

10. Duty of Police officers to enforce provisions of ordinance; repeal.

11. Penalty; imprisonment.

12. Preamble.

13. Repealing tax upon teams and teamsters.

1. Every hackney coach, omnibus, or carriage as aforesaid, when driven or used in the night, shall have fixed upon some conspicuous part of the outside thereof, two lighted lamps, with plain glass fronts and sides, * * * and the owner or driver of any of the vehicles aforesaid who shall neglect or refuse to comply with the provisions hereof, shall forfeit and pay the sum of five dollars for each and every offense, to be recovered from the owner or driver thereof.

Feb. 18, 1882
§ 8. C. 5.

Every coach, etc., to have lighted lamps attached during night time.

Penalty.

Feb. 12, 1882
Id. § 9.

Not to
solicit pas-
sengers at
R. R. sta-
tions against
their wishes,
nor make
disturbance
of any kind;
penalty for
so doing.

Id. § 10.

But one per-
son may
solicit pas-
sengers and
not to inter-
fere with
rights of
others.

Penalty.

Id. § 11. C. 6.

2. All persons * * * are hereby prohibited from in any way or manner incommoding or disturbing any railroad passenger or other traveler in soliciting employment, or in any other way against the wish of any such passenger, or in any manner interfering with such passenger or traveler, or his or her baggage, unless at his or her request; and also from creating any affray, altercation, or disturbance, at or near the railroad depot, or on the platform of any railroad, under the penalty of ten dollars for every such offense. * * *

3. But one person, whether owner or driver of any hackney-coach, omnibus, or other carriage, shall be allowed to solicit passengers at any railroad depot or terminations, steamboat or other landings; or at any other place in said city; and such person must be the regular driver of said carriage; and such owner or driver shall not leave such coach, omnibus or other carriage, while waiting for employment at any such place, neither shall he be allowed to snap his whip or use any indecent or profane language, or be guilty of loud, boisterous talking or hallooing, or any kind of disorderly conduct, or scuffling, or obstruct any crossing or sidewalk; and the person so allowed to solicit passengers as aforesaid, shall not leave his carriage for that purpose, but shall stand at the door thereof; he shall have no altercation with any other owner or driver of a coach or other carriage, or make any disparaging or offensive remark concerning the person, business, employee, or public house of any other person or persons so owning or driving any other coach or carriage, or employed by any other person or public house, under the penalty of ten dollars for each and every offense aforesaid, *provided*, that nothing contained herein shall prevent any driver of any coach or other carriage from leaving his coach or other carriage to get the baggage of the person or persons employing him, and taking it to his coach, omnibus or other carriage.

4. No person shall, as a runner, on any street, lane, alley,

The said police officer shall only direct and designate the place where all the said hackney coaches, omnibuses and other carriages shall stand or be placed, without discriminating between them, or setting apart any particular place for any or either of the said hackney coaches, omnibuses or other carriages. Feb. 18, 1882.

6. The stand for carriages, omnibuses, etc., at the Union Depot, shall be on Peach Street, between Fourteenth Street and Fifteenth Street, and drays, carriages, omnibuses and other conveyances may also stand on Fourth Street, between State Street and French Street. Parties permitting their conveyances, kept for hire, when not engaged, to stand at any other point in said city on a public street or public ground shall forfeit and pay a penalty of one dollar for each and every offense. (a) Id. § 13. C. 7.
Stand for
carriages,
etc., kept
for hire
designated;
penalty.

7. If any owner or driver of any hackney coach or other carriage shall knowingly suffer the same to be used for disreputable purposes, or shall knowingly permit the same to be occupied by any dissolute person or persons for the purpose of inveigling any person or persons to any house of ill-fame, such owner or driver shall forfeit and pay a penalty of \$25 for each and every such offense. * * * Id. § 14.
Carriages
used for dis-
reputable
purposes;
penalty.

8. That the maximum prices or rates of fare to be taken by or paid to the owners or drivers of hackney coaches, omnibuses or other carriages kept for hire in said city, shall be as follows, to wit: Id. § 15.
Maximum
rates of fare.

For conveying one passenger any distance within the district bounded by the Bay, Ash Street, Cherry Street, and Eighteenth Street, 25 cents.

For conveying one passenger any distance from within the above bounded district to any point in the city limits outside the district aforesaid, 50 cents; except from the depot south to Twenty-sixth Street at any point between Ash Street and Cherry Street, for which the fare shall be 25 cents, children under twelve years of age one-half the above rates.

For each trunk carried, 25 cents.

Valises, carpet bags, etc., to be carried without charge.

When services shall be rendered as aforesaid, between ten o'clock p. m. and seven o'clock a. m. double the above prices may be charged.

For the use of any conveyance by the hour, with one or more passengers, with the privilege of going from place to place and stopping when desired, one dollar per hour.

9. It shall be the duty of all owners and drivers to keep a card of the above rates posted in a conspicuous place in such conveyance. Id. § 16. C. 8.
Card of
rates to be
posted in
conveyance.

10. It shall be the especial duty of all police officers to enforce the provisions of this ordinance, and any and all ordinances providing for special police officers at railroad depots and other places are hereby repealed. Id. § 17.
Duty of po-
lice officers
to enforce
provisions
of ordinance;
repeal.

11. Any violation of the provisions of this ordinance for which a specific penalty has not already been provided, shall subject the offender to a penalty of not less than five dollars Id. § 18.
Penalty.

(a) So amended by Ordinance 2121, approved Feb. 4, 1903, Sec. 1, I, 219.

Feb. 18, 1882 nor more than twenty dollars. All penalties imposed under the provisions of this ordinance may be collected as debts of like amount are collectible, or the same may be enforced by summary proceedings; and in case any judgment recovered for a penalty or penalties under this ordinance be not paid or secured as provided by the Act of April 13th, 1864, the defendant or defendants shall be imprisoned as provided by said Act of Assembly.

Ord. 724.
April 4, 1892.
E. 186.
Preamble. 12. WHEREAS, The existing license tax on teams and teamsters in this city was designed as a police measure for the protection of property holders against unknown and irresponsible persons and indirectly as a benefit to those persons engaging in the business upon which said tax was levied; and

WHEREAS, Said license tax has in no way accomplished the objects for which it was designed, but, on the contrary, has resulted only in imposing burdens upon resident teamsters and draymen, which persons outside the limits of the city frequently, continuously and readily avoid; and

WHEREAS, This tax is about the only tax now existing in this city under the head of licenses, and the revenue derived therefrom is but small and of no material benefit to the city; now therefore,

Id. § 1.
Repealing
tax upon
teams and
teamsters. 13. *Be it ordained, etc.:* That all the ordinances of the City of Erie now in force, providing for the collection or levying of license taxes upon teams and teamsters, be and the same are hereby repealed. * * *

City Controller

1. Educational qualifications of City Controller; shall have control of all city property.

2. Duties; records to be open to inspection.

of licenses, cases and contracts.

6. Shall report to Councils every six months.

7. Annual report; what to contain; to be published.

the property aforesaid, shall, at convenient hours and under proper regulations, be subject to the inspection of any taxpayer of said city. (a)

3. He shall establish and communicate to each officer or agent of said city, entitled to receive money for its use, the manner in which their accounts of the same shall be kept, to which they shall be bound to conform; he shall audit and settle all such accounts at least once in every six months, and oftener if necessary, or required by the councils, and shall enter all such settlements in a book to be kept for that purpose, which settlements so entered shall be binding upon the respective officers or agents, with right, however, of appeal to the city councils within twenty days after such settlements.

4. He shall diligently inquire after and inform himself of all the revenues whatsoever of said city, and of all outstanding debts and claims due to the corporation, and see that the same are paid into the city treasury, and shall report all delinquents to the city solicitor, (b) who shall thereupon proceed to enforce the collection thereof.

5. He shall examine into the correctness of all warrants drawn upon the treasury, which, if authorized by law and resolutions of the councils, he shall countersign; and keep an account of all licenses, leases and contracts of the Corporation. No money shall be drawn from the city treasury but upon warrants so countersigned, (c) [of] which he shall keep an accurate account.

6. He shall once in every six months, and oftener if required by resolution of the councils, furnish them with a statement of the financial condition of the city corporation, exhibiting its liabilities and means of payment, and the amount in the treasury.

7. He shall prepare and exhibit to the city councils at their meeting next preceding the last Friday of February (d) in each year, a detailed account of the receipts and expenditures of the city corporation, showing the several sources from which all moneys have been derived and received, to whom paid, and for what purposes; the whole amount of the liabilities of the city, the means of payment; the money in the treasury, the outstanding debts, and from whom due, bringing the account down to as near the day of reporting it as practicable, which account he shall cause to be published in two newspapers of said city, to be designated by resolution of said councils, during three consecutive weeks (e) next succeeding; said account shall also contain a statement of the entire valuation for taxation of all taxable property, real and personal, in the city, with the rate per cent of assessment for city purposes.

8. He shall examine and report on all such claims against the city as may be referred to him for that purpose by the said

Mar. 29, 1887.
Id. § 3.

Shall communicate to city officers manner of keeping their accounts shall audit their accounts every 6 months; his audits shall be binding unless appealed from within 20 days.

Id. § 4.

Shall inform himself of all sources of city revenue and shall report delinquents.

Id. § 5.

Shall countersign city warrants authorized by law and keep account of licenses, leases and contracts.

Id. § 6. A. 255.

Shall report to Council every six months.

Id. § 7.

Annual report; what to contain.

To be published.

Id. § 8.

Shall report on claims, etc., referred to him by Councils.

(a) See "City Treasurer," par. 19-21.

(b) See Act of May 23, 1889, Art. IX, Sec. 3, *ante*.

(c) A just claim against the city may be collected without the approval of the City Controller, *Buckley vs. Phila.*, 17

Phila., 319.

(d) See Art. VI., Sec. 9, and Art. IX, Sec. 6 of Act of May 23, 1889 and Sec. 5 and 6 of the Act of April 20, 1874, P. L. 66 under title "Indebtedness."

(e) See *Infra* 10.

March 29, 1867

councils, and shall perform such other duties pertaining to the accounts and finances of the city, as may from time to time be required of him by resolution of the city councils.

Id. § 9.

Bond.

9. Before entering upon the duties of his office, he shall give a bond with at least two freeholders of the city, responsible for the amount as sureties, in the sum of \$5,000, conditional for the faithful and skillful execution of the duties of his office, and for the delivery of all books and papers of the office to his successor, which bond must be approved by the Mayor and councils, and recorded in the record book of the proceedings of the councils and kept by the clerk of the Select Council.

Ord. 168.
Nov. 16, 1885.
C. 242.

Publication
of Controller's
report.

10. That hereafter the annual report of the City Controller shall be published but once in each of two newspapers published in the City of Erie, one of which shall be the official paper, and the other a German paper, if any there be. *Provided*, that in the absence of any official paper said report shall be published in the two papers that will publish the same for the lowest amounts. (a)

Ord. 2472, § 1.
May 23, 1905.
J. 98.

Salary of
Controller.

11. That from and after the first Monday of April, 1905, the salary of the City Controller shall be, and the same is hereby fixed at Two Thousand Dollars per annum, payable semi-monthly. (b)

Ord. 646.
April 1, 1891.
§ 1. E. 112.

Office of
Clerk to
Controller
created;
Controller to
appoint.
Id. § 2.

12. That the office of Clerk to the City Controller be and is hereby created, said office to be filled by appointment of the City Controller.

Duties.

13. That it shall be the duty of said Clerk to the City Controller to do and perform all such office work as may be deemed proper by the City Controller.

Ord. 2190.
Aug. 17, 1903.
§ 1, I. 299.

Salary.

14. That from and after the passage of this ordinance the salary of the Clerk to the City Controller shall be, and the same is hereby fixed at Nine Hundred Dollars per year, payable monthly from the fund for "Salaries of City Officers not

18. Payable quarterly.
19. Applicants for space; bonds.
20. Method of measuring length of ducts.
21. How ducts are numbered.
22. Terminal and distribution poles; spurs not to be used in climbing poles.
23. Applications for space in conduit; what applications shall specify; to be submitted to City Electrician; applications to place wires or make repairs; report; repairs; precautions.
24. Insulation of wires and cables in conduit, insulation tests; when to be made; and by whom; to be filed with City Electrician; verification of tests.
25. Name tags on cables, wires carrying over 100 volts to be so marked.
26. Right of access to conduit manholes.
27. Tools to be kept by City Electrician; penalty.
28. Access to conduit manholes, tools.
29. Conduit limited to low tension wires.
30. Lessees to make repairs, precautionary interruption of current.
31. Precautions when manholes are opened; gas; blower; watchmen.
32. No smoking; no liquor.
33. No cover over opening.
34. Damages.
35. Right to amend rules reserved.
36. Penalty.
37. Conduit in State street, 2nd to 18th streets.
38. Extension and equipment; inspection.
39. Conduits in 9th street, State to French, 7th street, State to Peach and Peach street from 6th to 7th street.
40. In 8th street, State to Cherry street.
41. In 9th street, Holland to Parade street.
42. In 18th street from State street westwardly about 670 feet.

1. That there be and is hereby created an office to be known as the office of City Electrician. Ord. 719.
Feb. 19, 1892.
§ I. E. 180.

2. That the first appointment to be made under this Ordinance shall be made as required by law, as soon as funds for the payment of said officer are available; and thereafter appointments to said office shall be made in the manner designated by law, on the first Monday of each and every year; provided, however, that any person appointed to said office shall perform the duties thereof until his successor has been duly qualified. Office of City Electrician created.
Id. § 2.
How and when appointed.

3. It shall be the duty of the City Electrician to erect or assist in and superintend the erection of all the wires used for electrical purposes in the City of Erie, either by the city or its departments, and to inspect the wires of any corporation, firm or individual having permission to erect the same on the streets of said city. He shall also have constant control of the maintenance of any electrical wires or apparatus of any kind or description, used by the City of Erie in any of its departments; and make the necessary repairs to the same. Id. § 3.
Duties.

4. That from and after the passage of this Ordinance, it shall be the duty of the City Electrician to care for and maintain the wire and boxes of the Fire Alarm System of the City of Erie, under such reasonable rules and regulations as may be made for that purpose by the Chief of the Fire Department. *Provided*, that such rules and regulations shall in no way interfere with the present duty of the Electrician in caring for the wires and boxes of the Police Call System of said city. Ord. 1045.
Feb. 14, 1895.
§ I. G. 99.
Additional duties.

5. That the City Electrician shall have charge of the management of the municipal conduits and poles subject, however, to instructions from the Councils of the City of Erie, by ordinance or resolution. The City Electrician shall see that all laws and regulations governing the conduit system are enforced, making prompt report to Councils of all violations thereof. Ord. 1648.
Oct. 19, 1899.
§ I. H. 262.
Conduit to be in charge of City Electrician.

6. The City Electrician shall, after due approval, submit all applications for space in the conduit system to the City Solicitor, together with all the necessary data for drawing a bond between the City of Erie and the applicants. The original copies of all permits, with the necessary bond attached, shall be filed with the City Controller, after being approved by Id. § 2.
Bonds of applicants for space to be filed with Controller after approval.

Oct. 14, 1899

No permit
without
bond.

Id. § 3.

Electrician
to notify
Treasurer of
amount of
rent due.

Id. § 4.

Blank forms
to be kept by
Electrician.

Id. § 5.

Erection,
purchase and
removal of
poles.

Id. § 6.

City Elec-
trician to
prepare
rules.

Id. § 7.

To supervise
erection, re-
moval, etc.,
of poles,
wires and
cables, under

Councils and the Mayor. Certified copies of all permits shall be kept on file in the City Electrician's office. The said City Electrician shall not issue permits to any lessee as provided for in the aforesaid regulations until he is satisfied that the lessee's bond with the City of Erie has been properly executed and filed, and that the rentals for the first quarter have been paid to the City Treasurer.

7. That the City Electrician shall notify the City Treasurer, in writing, twenty days prior to the first day of each quarter under each permit, of the amount to become due for rental on such permit, so that the said City Treasurer may collect the same.

8. That the City Electrician shall prepare and keep in his office all the necessary blanks, for the use of applicants, to enable them to make application for space in the proper form, as provided for in the aforesaid regulations governing the use and occupation of the conduit system.

9. That it shall be the duty of the City Electrician to procure consent, where necessary, for the erection of poles and wires connected with the conduit system, and the said City Electrician is hereby directed and authorized to purchase, at prices to be approved by Councils, suitable poles already erected at points requiring a municipal pole; and he is further authorized to cause to be removed such poles as cannot be purchased, that occupy space required for municipal poles.

10. That the City Electrician shall prepare and submit to Councils such rules and regulations governing or regulating the use of the municipal conduit system as, in his opinion, are necessary.

11. That the City Electrician shall have full charge and control of the supervision of the erection, maintenance and removal of the poles, wires and cables of each and every person, firm, company or corporation doing business under a franchise, and who operate poles and wires in the streets, alleys, and

14. That all electrical conductors thereafter used, operated, owned, leased or controlled by any person, firm, company or corporation within the limits set forth in section one, shall be placed under such reasonable rules and regulations as may be prescribed by Councils, in the conduit or conduits built or to be built by the said City of Erie.

Sept. 1, 1898
Id. § 2.

Wires shall
be placed in
conduit.

Id. § 3.

15. That it shall be unlawful on or after six months from the approval of this ordinance to erect or maintain any overhead wires used for electrical purposes on said State Street, within the limits specified in section one.

Six months
to go into
operation.

Id. § 4.

16. That any person, firm, company or corporation erecting or maintaining any wires for electrical purposes in violation of the provision of this ordinance, shall forfeit ten (\$10.00) dollars for each day said wires are maintained, to be recovered as like penalties are now recoverable by law.

Penalty.

17. That the rental to be charged and collected by the City of Erie for the use of ducts in the city's conduits, by any person, firm, company or corporation, shall be at the rate of five (5) cents per lineal foot, per annum, for each three inch duct. This rate per lineal foot of duct shall be understood to mean and apply to tile, iron or wooden pipe ducts, below or above the surface of the ground.

Ord. 1647.
Oct. 19, 1899.
§ 1. H. 259.

Rents of
ducts.

Id. § 2.

18. That the rentals shall be paid quarterly, in advance, to the City Treasurer of the City of Erie, and the rental for the first quarter shall be paid before the issuing by the City Electrician of a permit for the use of the conduit. Failure on the part of any lessee to pay rental as above specified, after due notification, will authorize the City Electrician to remove all conductors or cables belonging to said lessee from the municipal conduit system.

Payable
quarterly.

Id. § 3.

19. Applicants for space shall be required to file a bond (a) before permit for the use of the municipal conduit is issued, in amount equal to one thousand dollars per mile of duct leased, with surety satisfactory to City Solicitor and Councils, and approved by the Mayor, as a guaranty for the faithful performance of all the terms and conditions of said permit and this ordinance, and as a guaranty against all losses incurred by the city, by reason of any negligence on the part of said lessees or the agent or employes of said lessees, in their occupation of said conduit and operation of their wires, cable and property therein.

Applicants
for space;
bonds.

Id. § 4.

20. That the length of underground ducts shall be determined by measuring from center to center of manhole lids and for connection ducts or service pipe by measuring from center of manhole lids to ends, on lines of duct leading to private property or to poles.

Method of
measuring
length of
ducts.

Id. § 5.

21. The ducts in each conduit shall be divided into tiers, and the tiers shall be numbered consecutively from one up, beginning with the lower tier, and the ducts in each tier shall be numbered consecutively from one up, beginning at the west side of the conduit on north and south streets and at the south

How ducts
are number-
ed.

(a) For bond of Mutual Telephone Co. see S. C. Journal W, page 454A, and for bond of New York and Penn'a.

Telephone and Telegraph Co. see S. C. Journal X, page 38A.

Oct. 19, 1899
Id. § 6.

Terminal and
distribution
poles.
Spurs not to
be used in
climbing
poles.

Id. § 7.

Applica-
tions for
space in con-
duit.

What appli-
cations shall
specify.

To be sub-
mitted to
City Elec-
trician.

Applica-
tions to
place wires
or make re-
pairs.

side of the conduit on east and west streets, and the permits for ducts shall specify the tier and the number of the duct in the tier in each north and south street and each east and west street.

22. The terminal poles, and such distributing poles as may be deemed necessary by the City Electrician, of the conduit system shall be supplied and maintained by the City of Erie, with the necessary arms, pins, brackets and iron steps. No person shall climb such poles with spurs, or in any manner injure or deface the same.

23. Applications for space in the municipal conduit shall specify:

The name of the company or individual applying for space.

The term for which space is wanted.

The number of ducts required.

The street in which ducts are required.

The number, material and dimensions of conductors proposed.

The class of service for which conductors are proposed.

The number of conductors and their disposition in the cable.

The maximum electro motive force carried by each conductor.

The style of cable proposed, nature of insulating material, thickness of insulating material and thickness of lead covering, and such further specific information as will fully explain the use to be made of the space desired.

All applications for space shall be submitted to and approved by the City Electrician.

All applications for permits to place wires or cables or make repairs or alterations to same in the conduit, or on the poles, shall be made in writing, and shall specify:

The name of the applicant.

A complete identification of the wires or cables to which repairs or alterations are to be made, and of the particular man-

prove to be less than one megohm per mile, the cable containing such conductor shall be immediately repaired, and the insulation of the faulty conductor be restored to the specified efficiency, or the faulty conductor cut out of service. The insulation resistance of each length of cable or conductor shall be determined before said length is laid in the conduit. If rubber or gutta percha insulation material is used, the conductor or conductors under test shall show an insulation resistance as specified in this section after 60 consecutive hours immersion in water, the test being made with a current having an electro motive force of not less than 150 volts for conductors designed to convey a current with an electromotive force greater than 300 volts, and with a current having an electro motive force of at least 100 volts for all conductors designed to convey a current less than 300 volts electro motive force. If dry paper, saturated paper or a saturated fibre insulating material is used, the above specification will be required except that cable or conductor need not be immersed in water. All conductors shall be tested for insulation resistance immediately after being laid in the municipal conduit, and spliced up, and all conductors carrying over one ampere of current shall be tested daily thereafter for insulation resistance, for a period of one month, and thereafter weekly. All conductors or cables repaired or altered shall be tested immediately after such repairs or alterations are made, and before being replaced in service. When additional conductors are drawn into the same duct, or when conductors or cables are replaced in the same with other conductors or cables, the conductors or cables in said duct shall be immediately tested thereafter, except conductors or cables carrying currents with less than 100 volts potential. All tests and determinations required by these rules shall be made by persons or corporations owning or controlling conductors in the municipal conduit system, and all tests shall be satisfactory to the City Electrician. Duly attested records of all such tests and determinations shall be filed with the City Electrician, within 24 hours after the completion of the same, and the City Electrician reserves the right to repeat and verify such tests and determinations whenever it may be deemed necessary or expedient.

25. All cables or conductors drawn into the municipal conduit shall be plainly marked with a metal tag in every manhole, with the name of the person or corporation owning such cable or conductor, and, in addition, all cables containing conductors carrying a current of over 100 volts potential shall be so marked as to indicate the potential carried.

26. Right of access to any municipal conduit manhole will be limited to one employe of the City Electrician's Department, and two authorized representatives of the lessee or occupant of the conduit. Access to the conduit manhole may be had only by permit issued to the lessee, upon a written application in the name of the lessee or occupant of the municipal conduit system, being filed in the office of the City Electrician, and only in the presence of an inspector from the City Electrician's Department. The inspector shall see that the manholes are properly opened and closed by the lessee; be present during the

Oct. 19, 1899

Insulation tests.

When to be made; and by whom.

To be filed with City Electrician.

Verification of tests.

Id. § 9.

Name tags on cables; Wires carrying over 100 volts to be so marked.

Id. § 10.

Right of access to conduit manholes.

Oct. 19, 1899

time in which the lessee is engaged in the manhole, and shall see that none of the rules and regulations governing the use of the municipal conduit system are violated, and further that no damage is done by said lessee to either the municipal conduit system, or to the property of any of the tenants of the same. There shall be no delay by the City Electrician, under ordinary circumstances, in giving lessees access to the conduit, but in case of a special emergency the City Electrician may, if expedient, and to the best interests of the municipal conduit system and other lessees, deny access or postpone the same. (a)

Id. § 11.

Tools to be
kept by City
Electrician.

Penalty.

Ord. 1781.
May 31, 1900
§ 1. H. 321.

Access to
conduit
manholes.

27. All tools necessary to remove the manhole covers, also safety frames and ladders shall be kept in the office of the City Electrician. Any attempts to gain admittance to a manhole of, and access to the municipal conduit system, without a permit from the City Electrician, and in accordance with the provisions of section 10, whether by opening or breaking the cover, or other portion of the manhole, will be prosecuted to the full extent of the law. (a)

28. Right of access to any municipal conduit manhole shall be limited to duly authorized employes of the City Electrician's Department, and duly authorized employes of the lessee or occupant of the conduit. Permits for access to conduit manholes shall be issued by the City Electrician to the lessees and occupants of the conduit, and no employe of any lessee or occupant of said conduit shall attempt to gain access to any conduit manhole without first having received a duly authorized permit as aforesaid, said permit to be first countersigned by such lessee or occupant or their duly authorized agent or representative. Any person or persons obtaining or attempting to gain access to any conduit manhole, when called upon by the City Electrician or other duly authorized representative of the City so to do, shall exhibit his or their permit as aforesaid. All lessees and occupants, their agents or employes having been granted a permit to enter any manhole as aforesaid shall prosecute the work therein to be done with as little delay as the circumstances of the occasion will permit, and shall violate none

venience of authorized persons engaged in or about the conduit, in making repairs or other work. Cet. 19, 1899

31. Whenever a manhole is opened, the lessees opening said manhole shall place an iron safety frame in the street opening, with a red flag, one foot square displayed thereon. When a manhole is opened, before commencing work, the applicant shall satisfy himself that it is free from gas, and if not, he shall ventilate the manhole. The City Electrician will provide for such purpose a fan or blower to be operated by the applicant, for such a time as may in the judgment of his authorized representatives be sufficient to clear the manhole of gas, to such an extent as to render it safe for his workmen to enter therein, and no light shall be used by applicant in his operations in the manhole, until the above examination has shown the absence of gas. If, after the first ventilation gas is noticed, the applicant shall cause the ventilation to be continued. In all work conducted in the manhole, one man shall always be provided by applicant to act as watchman on the surface at each manhole when opened, who shall keep constant guard and warn pedestrians, drivers of carriages, trucks, street cars, etc., and who shall assist the conduit inspector in what the latter requires in emergencies. Id. § 13.
Precautions when manholes are opened.
Gas.
Blower.
Watchman.

32. The lessee shall prohibit employes from smoking in or around manholes. No one under the influence of liquor shall be allowed to engage in work in the municipal conduit system. Id. § 14.
No smoking;
no liquor.

33. No cover of any kind whatsoever shall be allowed by the lessee to be placed over the manhole opening, but a shield may be placed around the windward half of the iron frame to protect the workmen from dust and wind. Id. § 15.
No cover over opening.

34. In no case will the City of Erie be responsible for any damage whatsoever to any person employed in or about the municipal conduit. The City Electrician shall, however, use every reasonable precaution to prevent damage from any cause within his control. Id. § 16.
Damages.

35. The City of Erie reserves the right to add to or amend these rules from time to time, as may be deemed necessary or expedient. Id. § 17.
Right to amend rules reserved.

36. That any person, firm, company or corporation violating any provision of this ordinance, shall be subject to a fine of not exceeding twenty-five (\$25) dollars for every violation thereof, to be collected as other penalties are by law collected. Id. § 18.
Penalty.

37. It shall be the duty of the City Engineer to advertise for sealed proposals for the construction of a conduit with sixteen ducts, more or less, in State Street, extending from the south line of Second Street to the north line of Eighteenth Street, five thousand nine hundred and seventy-five (5,975) lineal feet, more or less, and the furnishing of all necessary material therefor. * * * * * (a) Ord. 1948.
June 19, 1897.
§ 1. H. 29.
Conduit in State Street, 2nd to 18th Streets.

38. It shall be the duty of the City Engineer to advertise * * * (a) for sealed proposals for the extension and equipment of the conduit system of the City of Erie, between Second and Eighteenth Streets, in said City, according to the plans and Ord. 1558.
Nov. 4, 1896.
§ 1. H. 199.
Extension and equipment.

(a) See note next page.

- Nov. 4, 1898 specifications furnished by the City Engineer and City Electrician, of said City. * * * * * (a)
- Inspection. The City Electrician shall be the inspector of the improvements herein provided for. In case of the inability of the City Electrician to perform the duties of inspector at any time the Mayor shall appoint an Inspector to perform the duties.
- Ord. 1555.
Oct. 18, 1898.
§ 1. H. 196. 39. It shall be the duty of the City Engineer to advertise * * * for sealed proposals for the construction of conduit containing from six to thirty-two ducts, more or less, in Ninth Street from State Street conduit to French Street, 400 lineal feet, more or less; in Seventh Street from State Street conduit to Peach Street, 420 lineal feet, more or less, and in Peach Street from Seventh Street to Sixth Street, 440 lineal feet, more or less. * * * * * (a)
- Ord. 2336.
Mar. 19, 1904.
§ 1. I. 374. 40. It shall be the duty of the City Electrician to advertise * * * for sealed proposals for the construction of a conduit to be composed of nine square multiple ducts, under the sidewalk in the south side of Eighth Street, from State to Cherry Street. * * * * * (a)
- Ord. 2506.
Mar. 30, 1905.
§ 1. J. 82. 41. It shall be the duty of the City Electrician to advertise * * * for sealed proposals for the construction of a conduit, to be composed of nine (9) ducts, to be laid on the south side of Ninth Street, from the west line of Holland Street to the east line of Parade Street. * * * * * (a)
- Ord. 2538.
Sept. 2, 1905.
§ 1. J. 132. 42. It shall be the duty of the City Electrician to advertise * * * for sealed proposals for the construction of a conduit, to be composed of nine (9) ducts, to be laid on the south side of Eighteenth Street, from the east line of State Street to a point one hundred and eighty (180) feet west of Peach Street. * * * * * (a)
- Conduits in 9th Street to French, 7th Street, State to Pearl and Peach Streets from 6th to 7th Streets.
- In 8th Street, State to Cherry Street.
- In Ninth Street, Holland to Parade Street.
- In 18th Street from State Street westwardly about 670 feet.

(a) The remaining sections of these ordinances are omitted. They relate to the lettering of the contracts for con-

ered to negotiate for, purchase and equip poles already conveniently erected, and also to advertise for and open bids

CITY ELECTRICIAN AND CONDUITS.

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The electrical conduit system of the City of Erie, as it existed Jan. 1, 1906, exclusive of poles and their attachments, manholes, etc., is shown by the following table, viz :

Record Page (Eng. Office)	Year Constructed	LOCATION	Length in Feet	No. of Ducts	Total Lineal Feet of Ducts
1, 4, 6, 8, 1898	1898	State Street from Second Street to Fourth Street	750.6	6	4,503.6
9 1898	1898	State Street from Fourth Street to North Park Row	638.8	9	5,749.2
12 1898	1898	State Street from North Park Row to South Park Row	370.5	12	4,446
13 1898	1898	State Street from South Park Row to Eighth Street	608.3	20	12,166
16 1898	1898	State Street from Eighth Street to Ninth Street	377.6	28	10,572.8
17, 20, 21, 24, 20, 29, 32	1898	State Street from Ninth Street to Tenth Street	400	30	12,000
33 1898	1898	State Street from Tenth Street to Twelfth Street	813.5	25	20,337.5
38 1898	1898	State Street from Twelfth Street to Fifteenth Street	1,461.5	16	23,384
10 1898	1898	State Street from Fifteenth Street to Sixteenth Street	285.9	12	7,510.8
11 1898	1898	State Street from Sixteenth Street to Nineteenth Street	289.5	4	1,158
14, 16, 18, 23, 26	1898	Peach Street from Sixteenth Street southwardly	329.6	6	1,977.6
3 1899	1899	Peach Street from Seventh Street northwardly	124.3	8	994.4
4 1899	1899	Peach Street from Eighth Street to Tenth Street	789.8	4	3,159.2
7 1899	1899	Third Street from State Street Conduit northwardly	206	2	410
8 1899	1899	Third Street from State Street Conduit eastwardly	239.8	4	959.2
11 1899	1899	Fifth Street from State Street Conduit eastwardly	164.85	4	659.4
12 1899	1899	Fifth Street from State Street Conduit eastwardly	222.1	4	888.4
15 1900	1900	Fifth Street from French Street Conduit eastwardly	105.8	5	529
16 1900	1900	Seventh Street from French Street Conduit eastwardly	303.9	4	1,215.6
18 1900	1900	Seventh Street from Peach Street Conduit eastwardly	434.1	8	3,472.8
19 1900	1900	Seventh Street from State Street Conduit eastwardly	135.2	4	540.8
20 1900	1900	Eleventh Street from State Street to Cherry Street	4,013.15	9	36,118.35
21 1900	1900	Ninth Street from State St Conduit to Peach Street	4,435.8	6	26,614.8
22 1900	1900	Ninth Street between Manholes center of block between State and French ..	211.7	30	6,351
23 1900	1900	Ninth Street from French Street westwardly	12.5	26	312.5
24 1900	1900	Ninth Street from French Street to Holland Street	164.9	15	2,473.5
25 1900	1900	Eleventh Street from French Street Conduit eastwardly	783.2	9	6,598.8
26 1900	1900	Twelfth Street from State Street Conduit eastwardly	194	4	776
27 1900	1900	Twelfth Street from Peach Street Conduit to Peach Street	440	6	2,640
28 1900	1900	Twelfth Street from Peach Street to Sasafra's Street	700	9	6,300
29 1900	1900	Fourteenth Street from State Street Conduit to Peach Street	458.5	4	1,834
30 1900	1900	Fourteenth Street from State Street Conduit eastwardly	99.5	4	398
31 1900	1900	Sixteenth Street from State Street Conduit to Peach Street	510	6	3,060
32 1902	1902	Sixteenth Street from Peach Street westwardly	110	9	990
33 1903	1903	Sixteenth Street from 110 feet west of Peach Street to Sasafra's Street	679	9	5,211
No. lineal feet of duct in connections			18,052.9		192,312.25
Total feet lineal of duct (being about 37 miles)					8,432.2
					195,744.45

In addition to the foregoing, contracts were awarded October 20, 1905, for a nine duct conduit in Ninth Street from the west line of Holland Street to the east line of Parade Street, and a nine duct conduit in Eleventh Street from the east line of State Street to a point 180 feet west of Peach Street. Those conduits had not been constructed when this statement was compiled (January, 1906).

26,643 duct feet of the conduit is occupied by the New York and Pennsylvania Telephone and Telegraph Company, 33,175 by Mutual Telephone Company, 8,720 by the Western Union Telegraph Company and 13,930 by the Municipal Fire and Police Signal Systems, making the total feet lineal of duct in actual use in January 1906, 83,568, and number of feet not in use 112,886 1/2

City Engineer.

[See Sewer, Gas and Water Connections, Registry of Real Estate, Streets and Sidewalks, Ward Inspectors, Numbering Buildings.]

1. Election of City Engineer; bond.
2. Duties of City Engineer with respect to work done, or proposed to be done, by the city; to keep copies of all important maps, plans, etc.
3. To set out foundations of buildings, areas, etc.; to see that pavements are laid on proper grade; to regulate partition fences, etc.
4. To render correct estimates and accounts of all work done by the city; to be responsible for the correctness of such estimates and accounts; penalty for violating the provisions of this Ordinance.
5. Office hours.
6. Creating office of Clerk to City Engineer.
7. Duties of said Clerk.
8. Especial duty to keep an Improvement Docket containing the data of all improvements, etc.
9. May appoint and remove at pleasure, employees of his department.
10. City Engineer to have full charge of subordinates and be responsible for their official acts.
11. Condition of Engineer's bond.
12. Salary of City Engineer.
13. Salaries of employees.
14. Preamble; T. S. Brown survey and map of 1887.
15. Future surveys to conform thereto.
16. Record of lot surveys; penalty.
17. Penalty for disturbing landmarks.

Feb. 8, 1881.
§ 1. A. 557-558.

Election of
City En-
gineer.

Bond.

Id. § 2.

Duties of
City En-
gineer with
respect to
work done or
proposed to
be done by
the city; to

1. There shall be appointed by the * * Councils * * (a) a competent City Engineer, with such assistants, (b) and with such compensation for such engineer and his assistants as said Mayor and Councils shall deem proper. The regular time for the appointment of said engineer shall be the first stated meeting of councils in the month of May, * * (a) at which time the term of office of City Engineer shall be deemed to expire. (a) If no appointment shall be made at said meeting of councils, the appointment shall be made as soon thereafter as practicable. Before entering upon the duties of his office, said engineer shall give a bond, with sureties to be approved by the Mayor, in the sum of three thousand dollars, conditioned for the faithful performance of the duties of his office. (c)
2. It shall be the duty of the City Engineer to prepare suitable plans and specifications of all work proposed by councils to be done, in the construction of pavements, sewers, drains, culverts, bridges, cribs, docks, sidewalks, earthwork, or otherwise; and, under the general direction of the appropriate committees of councils, to have the charge and superintendence of

landmarks to designate the same. He shall keep copies of all ^{Feb. 8, 1881.} important maps, plans and estimates in his office, so that the same may be of easy reference; and shall have charge of all instruments, papers, books and materials in his office, or belonging thereto, and shall turn over the same to his successor in office. And said Engineer shall do such other work, appropriate to his office, as councils may from time to time require.

3. The City Engineer shall set out the foundations and ^{Id. § 3.} regulate the walls to be built between party and party, as to the breadth and thickness thereof, subject to the city ordinance relating thereto; and shall regulate partition fences, when required so to do by the property owners interested. (a) He shall set the grade of the sidewalk or pavement in front of and adjoining any building about to be erected or remodeled for business purposes, the front or front and side walls of which are to be built on the line of the street, and shall see that said pavement is laid on the proper grade. He shall also lay out the width of areas in front of and on the sides of buildings, and enforce their construction as directed by the ordinance of the city. For services as aforesaid, the engineer shall charge and collect from each property owner or owners, in whose behalf said services were rendered, a fee for the use of said city, of not less than \$4, nor more than \$10, according to the time consumed in performing said services. It shall also be the duty of the Engineer to give, if requested, to any person who shall have erected the foundation and walls of any building under his direction and in conformity thereto, a certificate of the same, free of charge, provided such request be made on or before the completion of the building. No fee or charge of any kind shall be collected by the Engineer for setting grades or other official services, except as authorized by this section of this ordinance, in the case of setting out foundation walls, regulating partition fences, etc., and by the sixth section of the ordinance relating to sidewalks, etc., approved July 13th, 1880; and all duly authorized fees shall be collected by said engineer and paid over quarterly to the City Treasurer.

4. The City Engineer shall render true and correct estimates and accounts of all work done under his supervision, and of all expenses connected therewith, and for any errors or mistakes in said estimates or accounts, or for negligence or inattention in any matter pertaining to the duties of his office, ^{Id. § 4.} he shall be responsible to the city in damages, and liable to suit on his bond for the recovery of such damages as the city may have sustained by reason of his said errors, mistakes or unfaithfulness. * * * * If he shall misuse the instruments placed in his hands, or improperly keep, use, or care for the books, papers and records of his office, he shall be liable to the city for damages thereby sustained, to be sued for and collected in manner aforesaid, or to be retained from his salary. A faithful performance of his duty as City Engineer shall also be deemed as forbidding the making of estimates of any kind

(a) The decision of the City Engineer on lines between property owners is not binding upon them, unless by consent,

Whitman vs. Shoemaker and Rodearmel vs. Hutchinson 2 Pears. R. 320 and 324.

Feb. 8, 1881

for the use of any person or persons who may wish to bid for city work or to furnish material therefor; or the giving of information, advice or directions to a contractor or his employes engaged in doing city work, further than to show and explain the plans and specifications of said work, and insist that the same shall be done according to the contract, plans and specifications. And no change in the specifications of any work shall be made after the contract therefor shall have been let, except by the consent of councils. A violation of any of the foregoing prohibitions shall subject the engineer to the forfeiture and payment of a fine, to the use of said city, of not less than five (\$5) nor more than one hundred dollars (\$100).

Id. § 5.

Office Hours.

Ord. 513.
June 23, 1890.
§ 1. D. 368.

Creating of-
ice of Clerk
to City En-
gineer.

Id. § 3.

Duties of
said Clerk.

Id. § 4.

Special
duty to keep
an "improve-
ment docket"
containing
the data of
all improve-
ments.

Feb. 21, 1894.
Ord. 937.
§ 1. D. 366.

City En-
gineer may
appoint and
remove at

5. * * * * Said Engineer shall keep open his office during ordinary office hours, except when his duties require him to attend to outside work; and when so engaged he shall leave notice on his office door where he may be found, and when he will return.

6. That the office of Clerk to the City Engineer be and is hereby created; said office to be filled by appointment of the City Engineer immediately upon the passage and approval of this ordinance.

7. That it shall be the duty of said Clerk to the City Engineer, to do and perform all such office work as may be deemed proper by the City Engineer.

8. That it shall be his especial duty to keep a book called an "Improvement Docket" in which shall be put down all improvements of a public nature ordered by councils to be constructed; the date of the ordinance or resolution ordering such improvement; the date of the advertising for proposals for said improvement; the date of the award of the contract for such improvement and by whom awarded; the date of the execution of said contract by the City; the date of the Engineer's order directing the work to be commenced; the date of beginning of work upon said improvement; the date of the completion of the work upon said improvement and the date of the assessment made therefor.

9. That from and after the passage of this ordinance, the

salary of Thirteen Hundred Dollars (\$1,300.00) per year, payable in equal monthly installments; one Clerk, at a salary of Twelve Hundred Dollars (\$1,200) per annum, payable in monthly installments of One Hundred Dollars (\$100) each; (a) one First Assistant Engineer, at a salary of Twelve Hundred Dollars (\$1,200) per year, payable in monthly installments of One Hundred Dollars (\$100) each; (b) one Second Assistant Engineer, at a salary of Ten Hundred and Eighty Dollars (\$1,080) per annum, payable in monthly installments of Ninety Dollars (\$90) each; (c) one Rodman, at a salary of Nine Hundred Dollars (\$900) per year, payable in monthly installments; (d) one Rodman, at a salary of Eight Hundred and Forty Dollars (\$840) per annum, payable in monthly installments of Seventy Dollars (\$70) each; (e) one Chainman, at a salary of Six Hundred Dollars (\$600) per year, payable in equal monthly installments; one Axeman, at a salary of Five Hundred and Forty Dollars (\$540) per year, payable in equal monthly installments.

Mar. 21, 1894

14. WHEREAS, the Burgess and Town Council of the Borough of Erie in consequence of the decay and removal of a great portion of the original land marks, fixing the boundaries of the lots, squares, streets, and public grounds of said Borough, and to avoid litigation, secure the rights of the citizens, and promote the peace and harmony of society, did by resolution passed the 10th day of May, A. D. 1837, order a new survey of said Borough, and the reinstating of the land marks by a skillful, practical civil engineer, to-wit: Thompson S. Brown, Esq. And whereas said survey was made with great care and accuracy and marked by red cedar stakes let into the ground (except on Front and Twelfth Streets) and with a copper nail driven into the top of each stake at the precise point where the central lines of streets crossing at right angles intersect each other; and likewise a map of said survey finely and accurately delineating the form and dimensions of every part of said borough in accordance with the measurements actually made, was procured from Mr. Brown for the use of the Borough, and is now in the possession of the corporation of the City of Erie. Therefore, be it enacted, etc.

June 23, 1851.
A. 11.

Preamble.

T. S. Brown
survey and
map of 1837.

15. That hereafter all surveys of city lots, streets and public grounds made by the City Surveyor within the limits of the present or any future extension of the City of Erie, shall be made to conform with said survey, in accordance with the lines and measurements marked on said map, and by the standard measures of the city.

Id. § 1. A. 12.

Future surveys to conform thereto.

16. That it shall henceforward be the duty of the City Surveyor to enter in a book kept for that purpose, a record or register of any lot or part of lot by him surveyed, in conformity with this ordinance with the date of the survey, and the name of the person for whom such lot or other quantity of land may

Id. § 2.

Record of lot surveys; penalty.

(a) So fixed by Ordinance 2200, approved June 9, 1903, 1287.

(b) So fixed by Ordinance 1805 approved Jan. 21, 1901, H374.

(c) So fixed by Ordinance 2213 ap-

proved July 17, 1903, 1298.

(d) So fixed by Ordinance 2212 approved July 17, 1903, 1297.

(e) So fixed by Ordinance 2233 approved Aug. 17, 1903, 1305.

June 23, 1851. have been surveyed, which said book shall be the property of the City, and be delivered to his successor, under a penalty, for refusal so to deliver it of \$100.

Id. § 3.
Penalty for
disturbing
landmarks.

17. That any person taking up, defacing or in any manner injuring any of the established land marks of the city, shall be liable to a fine of not less than five [dollars] (\$5) nor more than twenty-five dollars (\$25) for every such land mark taken up, defaced, or in any manner injured.

City Solicitor.

1. Salary of City Solicitor.
2. Solicitor's office to be in City Hall.

3. Solicitor empowered to appoint a Clerk.
4. Salary of Clerk.

Ord. 1817.
Feb. 18, 1901.
§ 1. H. 383.

Salary of
City Solicit-
or.

Id. § 2.
Solicitor's
office to be
in City Hall.

Ord. 958.
Mar. 28, 1894.
§ 1. G. 18.

Solicitor em-
powered to
appoint a
clerk.

Ord. 2188.
June 4, 1903.
§ 1. I. 282.

Salary of
Clerk.

1. That from and after the first Monday in May, 1901, the salary of the City Solicitor shall be two thousand (\$2,000) dollars per annum, payable in equal monthly installments. (a)

2. That the office of the City Solicitor, together with all furniture, books and documents pertaining thereto, shall be kept and maintained in the City Hall.

3. That from and after the passage of this ordinance, the City Solicitor shall be empowered to employ one person to act as clerk in said office; said person to be called the Clerk to the City Solicitor, and to be placed upon the pay roll of the city by such designation.

4. That from and after the final passage or approval of this ordinance, the salary of the Clerk to the City Solicitor shall be One Thousand and Eighty (\$1,080) Dollars per year, payable in monthly installments.

(a) By Ordinance of April 1, 1891, E115, it is "Provided that from the salary received by the City Solicitor he shall pay all expenses required by his office, save only the cost of fuel, rental

and official stationery, which shall be paid by the City of Erie; but said rental shall in no case exceed the sum of one hundred and fifty dollars (\$150) per annum."

1. It shall be the duty of any person elected to the office of City Treasurer, to submit to the Finance Committee and City Solicitor the names of his proposed sureties on or before the tenth day of March succeeding his election; and said sureties shall justify to the satisfaction of the Finance Committee before said bond is submitted to councils for their approval.

Jan. 15, 1880.
§ 2. A. 534.
City Treasurer. Shall submit names of his proposed sureties to finance committee and Solicitor before Mar. 10 succeeding his election.
Id. § 3.

2. If, after such bond (a) has been approved of by councils, complaint in writing shall be made by at least three members of the Finance Committee, that one or more of the sureties has or have become insolvent, it shall be the duty of the Treasurer to satisfy councils of the solvency and sufficiency of the surety or sureties so complained of; or if councils so direct, he shall immediately furnish additional bail in such amount as councils shall direct; in default thereof he shall be immediately removed.

If a surety becomes insolvent he shall substitute a new one if Councils so direct; in default to be removed.
Id. § 4.

3. He shall cause the accounts of his office to be so kept as to show all the receipts and expenditures of the city in an intelligible manner, in which the particulars of each item of charge and discharge shall fully and precisely appear; and separate accounts shall be kept of the funds due the Water Commissioners.

Shall keep accounts in an intelligible manner; separate accounts with Water Commissioners.
Id. § 5.

4. The City Treasurer shall report, under oath or affirmation, to the Finance Committee and City Controller, the first of each month, the amount of money by him received during the preceding month, and from what source or sources; also the amount paid out, and for what purposes; the balance on hand, and to what fund or funds belonging.

Shall report under oath monthly.
Id. § 6. A. 535.

5. He shall verify his accounts at least once in every month to the satisfaction of the Finance Committee and City Controller; and it shall be their duty to see that the Treasurer has in his possession the balances due from him.

Shall verify his accounts monthly; duty of Finance Committee and Controller.
Id. § 7.

6. The city funds shall never be used by the Treasurer for his private purposes.

He shall not use city funds for private purposes.
Id. § 9.

7. The City Treasurer shall keep his office in such place as councils by resolution shall direct.

Id. § 10.

8. At the expiration of his term of office he shall deliver all money, books, papers and property in his hands belonging to the city to his successor in office.

His office to be located by Councils.
Id. § 10.

9. That the City Treasurer shall give a judgment bond to the City of Erie, with three or more sureties, to be approved of by the Select and Common Councils of the City of Erie, in the sum of \$75,000, conditioned for the faithful performance of the duties of his office as the same are now, or may hereafter be defined by any law of this Commonwealth, or ordinance of the City of Erie.

Shall account to his successor.
Ord. 186.
April 3, 1886.
§ 1. C. 232.

10. The said Treasurer shall also give a bond to the Water Commissioners of the City of Erie in the sum of \$25,000, with at least two sureties, to be approved by the city councils, conditioned for the faithful accounting of all moneys received by him belonging to said Water Commissioners.

Shall give bond of \$75,000 to city.
Id. § 2.

11. That from and after the first Monday in April next the City Treasurer shall receive an annual salary of \$3,000, payable in equal monthly installments, and said sum shall be received

Shall give bond of \$25,000 to Water Commissioners.
Ord. 329.
Feb. 20, 1888.
§ 1. D. 124.
Salary.

(a) See *Infras* 9, 10.

Feb. 20, 1888

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by the City Treasurer in full, not only of his own services, but also in full of the salary or salaries of any clerk or clerks said Treasurer may employ to assist him in the duties of his office, but office rent, fuel, light and janitor's fees to be paid by the city.

Id. § 2.

Fees shall belong to the city.

12. All the fees received by the City Treasurer from sales of lands for unpaid taxes, all fees allowed by the State for collecting taxes due the Commonwealth, and all other fees received by the said City Treasurer by virtue of his office, shall belong to the City of Erie and shall be duly accounted for by the City Treasurer.

Ord. 2065.
Sept. 17, 1902.
I. 178

Preamble.

13. That whereas, under the provisions of an Act of Assembly of June 20th, 1901, P. L. 578, the treasurers of third class cities in Pennsylvania are created Collectors of City Taxes, and their compensation as such, is directed to be fixed by the authority levying the tax.

Id. § 1.

Compensation of Treasurer as Collector of taxes.

14. The compensation of the City Treasurer of the City of Erie, as Collector of city taxes, shall be one per centum on all taxes paid him before any penalty has been incurred, and seven per centum on all taxes paid him after the penalty has been incurred. Provided, however, that the said collector shall employ one deputy collector for each ward for the collection of taxes after the penalty has been incurred and shall pay to said deputy collectors ten per centum on all taxes collected by them.

Id. § 2.

How paid.

15. After the delivery to the Collector of taxes of the tax duplicates as provided by law, the Mayor shall once a month draw a warrant in favor of the Collector of taxes for the amount due said Collector for taxes collected during the month: provided however, no warrant shall be drawn as aforesaid, until the Collector shall have made his monthly report to the City Controller, as provided by law. All warrants drawn as aforesaid shall be paid by the City Treasurer out of the funds in his hands as taxes.

Ord. 199.
July 20, 1888.
§ 1. C. 303.

Collectors of delinquent taxes to settle by Dec.

16. That all parties collecting delinquent city taxes in the

councils; and said fund or funds, together with the interest accruing thereon, shall be so kept invested until such time as the same shall be needed for the purpose or purposes for which said fund or funds were levied, and not used for, or diverted to any other purpose or purposes.

Jan. 16, 1883.

Proceeds not to be diverted from original purpose.

Id. § 2.

20. It shall be the duty of the said Mayor, Controller and Finance Committees to invest said accumulating fund as often as once in three months, when reasonably practicable, and the bonds, mortgages, certificates of deposit or other securities or evidences of debt received for such funds shall be endorsed in such manner by the said Mayor, Controller and Finance Committees as shall be necessary to show to what fund they belong; and when so endorsed, said bonds, mortgages, certificates of deposits or other securities or evidences of debt shall be deposited with the City Treasurer, who shall receipt therefor; and said receipt shall be retained by the City Controller until the securities for which they may be given shall be duly and properly accounted for according to law.

Manner of investing and accounting.

21. It shall be the duty of the City Controller to open an account with each and every of such funds and keep the same in such manner as at all times to show the exact condition of said funds.

Id. § 3.

Controller to keep account thereof.

City Warrants—Whom to Draw.

1. Municipal Departments, for issue of City Warrants, created.
2. Officials authorized to issue Warrants; purpose.
3. Warrants in special cases; how drawn.

4. Bills to be first approved by Councils.
5. Blanks to be prepared by Controller.

1. That the following departments be and the same is [are] hereby created for the purpose of issuing warrants, viz.: Executive, Legislative, Engineer's, Fire, Police, Health, Street and Legal.

Ord. 1508.
July 11, 1893.
§ 1. H. 134.

Municipal Departments, for issue of city warrants, created.

Id. § 2.

2. That the Executive Department shall issue all warrants to be signed by His Honor, the Mayor, for the payment of salaries of City Officials, bills contracted by the Mayor, City Treasurer and City Controller, City Hall bills, hay and wood Market bills, City Assessors' salaries and bills, Tax Collectors' commissions, State Taxes, Interest on Bonded Debt, the Sinking Fund and bills pertaining to City Parks and Docks and Harbor. That the Legislative Department shall issue warrants to be signed by the City Clerk for the payment of all bills created for the City Clerk's office, the Council Rooms, and for that department. The Engineer's Department shall issue warrants to be signed by the City Engineer for the payment of salaries of Engineer's Department, office supplies, lighting streets, estimates on contracts, sewer rebates on corner lots, assessments collected by the City Treasurer and City Solicitor from property owners and due contractors, Inspectors' salaries, bills for cleaning Mill Creek, Garrison Run and Little Cascade Run, and all bills pertaining to that department. The Fire Department shall issue warrants to be signed by the President

Officials authorized to issue warrants.

CITY WARRANTS.

July 11, 1898**Purpose.**Id. § 3.Warrants in
special cases,
how drawn.
Id. § 4.Bills to be
first approv-
ed by Coun-
cils.
Id. § 5.Blanks to be
prepared by
Controller.

and Secretary of the Board of Fire Commissioners for the payment of salaries and operating expenses of the Fire Department. The Police Department shall issue warrants to be signed by the Chief of Police for the payment of salaries of officers and patrolmen, operating expenses, City Electrician's bills, for the Police Department, Patrol Wagon and Call System bills. The Health Department shall issue warrants to be signed by the President and Secretary of the Board of Health for the payment of salaries of officers and employees and all bills pertaining to the Health Department. The Street Department shall issue warrants to be signed by the Superintendent of Streets and Sidewalks for the payment of salaries of officers, teamsters and laborers, and all street and sidewalk bills. The Legal Department shall issue warrants to be signed by the City Solicitor for the payment of judgments and mortgages against the City, costs of law suits, recording fees, office supplies and all bills pertaining to the Legal Department. (a)

3. Warrants for payments of special bills or expenses that are not herein provided for, shall be issued by the department whom councils shall have authorized to contract such bill or expense.

4. All bills shall be approved by Councils before warrants for the payment thereof shall be drawn as herein provided. (b)

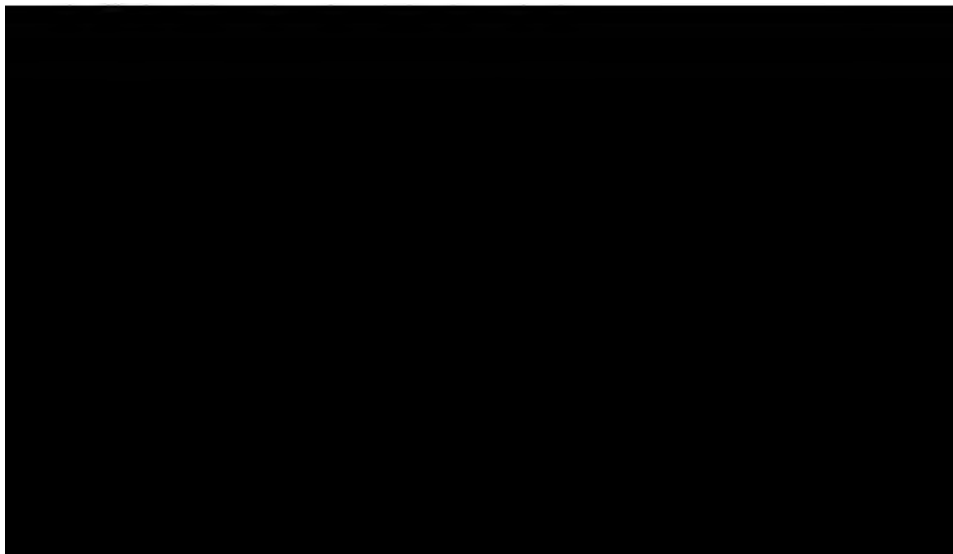
5. The form and style of all warrants to be issued in pursuance hereof shall be prepared by the City Controller.

(a) See title "Parks and Public Grounds", par 40.

(b) Section 4 of this ordinance, so far as relates "to the payment of sala-

ries and wages of city officers and employees," is repealed by the 3rd Section of Ordinance 2324, enacted April 9, 1904, J4, see title "Official Pay-Days."

Clerks of Councils.



2. The clerks shall be responsible for the safe keeping of all records and papers belonging to their respective offices, and shall permit no papers on file therein to be taken from the office without the written consent of the Mayor, except in cases when needed for use by committees or members of councils in the discharge of their official duties, and the said clerks shall give sufficient security for the faithful discharge of their duties and for the safe delivery of all books, papers, and accounts appertaining thereto, and of all moneys remaining in their hands, into the hands of their successors or such person or persons as may be authorized by councils to receive the same.

June 29, 1870.
Id. § 2.
Clerks responsible for safe keeping of records and papers.

3. Any councilman who procures a paper belonging to the files of either branch, shall give his receipt therefor in a book to be kept for that purpose, and shall be responsible for the same, and if lost shall be personally responsible for all damages arising from the loss, and such other penalties as the councils may impose.

Id. § 3.
A. 343.
Councilmen must receipt for papers and be responsible therefor.

4. No person shall be permitted to handle or interfere in any way with the files, except the proper officers and their clerks, nor shall any entries be made in the regular books of record by any one but such officers or clerks, or by their permission and under their inspection.

Id. § 4.
Unauthorized persons not to interfere with the files.

5. All ordinances, resolutions, reports of committees, petitions and remonstrances, shall be properly folded, numbered and endorsed, and kept separate in such place that access may be had to them at any time during the regular office hours established by the councils.

Id. § 5.
Documents to be numbered, folded and endorsed.

6. All maps, charts, books, pamphlets and documents belonging to the city and used by the councils, shall be kept in the council rooms, and the Clerk of the Select Council shall be responsible for their safe keeping. (a)

Id. § 6.
Documents, etc., used by Council to be kept in Council rooms.

7. The Clerk of the Select Council, (b) under direction of the printing committees, shall attend to the publication of all city ordinances and notices required to be published by law, except as otherwise ordered by resolutions of councils; and any omission or neglect on his part to do so, shall subject him to removal, as the councils may direct.

Id. § 7.
Publication of ordinances, notices, etc.

8. He shall also keep a minute book in which shall be entered a synopsis of all joint resolutions relative to the laying and repairing of sidewalks throughout the city, and the abatement of all nuisances, and the record in each and every case shall show the exact date when the notice or notices were served on the person or persons mentioned in the resolution; and it shall be the duty of the Sergeant-at-Arms, or such other person as may be charged with the service of such notices, to report without delay the date of service to the Clerk of the Select Council, the return of which shall be in the mode required for return of service of a summons by a constable. (c)

Id. § 8.
Resolutions, notices and returns for the laying of sidewalks.

(a) See "City Engineer," par. 2.

(b) See *Infra* 13.

(c) The duty of keeping a record of service of sidewalk notices now devolves upon the Supt. of streets under Ordin-

ance 1379, approved Aug. 18, 1897, H48. The notices are served by the ward foreman under Ordinance 1419, approved Sept. 22, 1897, H78. For matters relating to abatement of nuisances see title "Health Dept."

June 29, 1870
Id. § 9.

Stationery,
furniture,
etc., to be
purchased
under direc-
tion of print-
ing commit-
tee.

July 30, 1878.
§ 1. A. 504.

Additional
duties of
Clerk of Se-
lect Council.

Id. § 4.

Bond.

Id. § 2.

Office hours.

Id. § 5.

Title chang-
ed to "City
Clerk."

Duties of
Clerk of
Common
Council.

Bond.

Ord. 51.
Dec. 18, 1882.
§ 1. C. 60.

9. All blank books, stationery, furniture, etc., required by the councils, shall be purchased by or under the direction of the printing committee, and no bills for such articles shall be paid unless first approved by said committees.

10. That in addition to the duties now imposed upon the Clerk of the Select Council, he shall perform the following duties: 1. To make out the city tax duplicates, the Clerk of Common Council assisting. 2. To attend to all committee meetings of Councils at such times as said committee may require.

3. To attend all trials at which the City of Erie is a party, whenever requested so to do either by the Mayor, Councils, or City Solicitor, and when requested, to produce at such trials the records of said city.

11. He shall give bond with sufficient security, to be approved of by councils, in the sum of \$2,000, conditioned for the faithful performance of the duties of his office.

12. The office hours of the Clerk of the Select Council shall be from 8 a. m. to 12 m., and from 1.30 p. m. to 5.30 p. m., during which hours it shall be the duty of said clerk to be in attendance at his office when not required elsewhere by the business of the city; but, if necessary, said clerk shall devote as much extra time to the duties of his office as shall be required to fully perform them, without regard to regular office hours.

13. The title of "Clerk of the Select Council" is hereby changed to "City Clerk;" * * It shall be the duty of the Clerk of the Common Council, in addition to the duties now imposed upon him, to assist in making out the city tax duplicates. 2. To attend all trials, to which the City of Erie is a party, when requested so to do, either by the Mayor, Councils, or City Solicitor. * * * He shall give bond with sufficient surety, to be approved of by councils, in the sum of \$500, conditioned for the faithful performance of the duties of his office.

14. That hereafter the Clerk of the Common Council shall

Coat-of-Arms.

1. City Coat of Arms adopted; design.

1. That a design described as follows: "Consisting of a view of Presque Isle Harbor showing docks, elevators, boats, etc., said view being encompassed by a wreath, mounted by an eagle holding a ribbon in its beak; on the left hand side, manu- factories and a train of cars, and an anvil, hammer and cog- wheel in the foreground; on the right hand side a marine view, showing a ship at a dock, and a tug under steam, and in the foreground a capstan and anchor; the words 'The City of Erie, Pennsylvania,' being in a circular form in the upper part of said view of Presque Isle Harbor," be and the same is hereby adopted as and for the official Coat of Arms for the City of Erie, Pennsylvania.

Ord. 1466.
Jan. 6, 1898.
§ 1. H. 128.
City coat
of arms
adopted;
design.

Contracts.

[See Bonds of City Officials and Contractors.]

- | | |
|--|--|
| <p>1. How proposals for City Contracts to be filed, opened and tabulated; effect of adjournment without opening; security checks to be delivered direct to</p> | <p>Treasurer; when to be returned.
2. Withdrawal of proposals.
3. Not retroactive.</p> |
|--|--|

1. That hereafter, in all work to be performed or materials to be furnished to the City of Erie, the contract or contracts for which are to be awarded by Councils or a Committee thereof, any and all bids for such work or materials shall be filed only with Councils or such Branch or Committee thereof as shall have the awarding of the contract or contracts for which bids are submitted, and all bids shall be filed as aforesaid, by the bidders, their agents or representatives, directly, with the Presiding Officer immediately upon the calling to order of the meeting of Councils, the Branch or Committee thereof, as the case may be, and the bids so filed shall be then and there opened, read and tabulated; Provided, that in case there should be no quorum, or the meeting adjourns without opening the bids, then all bids submitted shall be returned unopened to the parties submitting them. If the bids be returned unopened and the meeting be adjourned, in the regular way, to a subsequent date, such adjournment shall operate as an extension of time for receiving of bids until such subsequent date. The Presiding Officer who receives the bids shall deliver to the City Treasurer, direct, all guarantee moneys and checks received therewith, and said Treasurer shall have the checks of all successful bidders cashed for protection of the interests of the City. The money and checks of the unsuccessful bidders shall be returned by said Treasurer to the owners thereof respectively, as soon as possible, and the money of the successful bidder shall be returned by said Treasurer to the owner thereof as soon as the contract shall have been executed on the part of said bidder, or as soon as the purpose of the guarantee shall have been attained.

Ord. 1891.
Aug. 9, 1901.
§ 1. I. 58.

How pro-
posals for
city con-
tracts to be
filed, opened
and tabulat-
ed;

Effect of ad-
journment
without
opening;

Security
checks to be
delivered di-
rect to
Treasurer;

When to be
returned.

Aug. 9, 1901
Id. § 2.
Withdrawal of proposals.

Id. § 3.
Not retro-active.

2. No bid or part thereof filed, as provided in section one shall be allowed to be withdrawn after the same has been opened until all bids submitted have been tabulated and reported to Councils, the Branch or Committee thereof then in session.

3. This ordinance shall not apply to the receiving of proposals or awarding of contracts for municipal improvements for which ordinances have been specially passed prior to the passage of this ordinance.

Councils. (a)

1. Dates of meetings of Common Council.
2. Dates of meetings of Select Council.
3. Interruption of Council meetings; penalty.

4. Powers of Presidents of Councils.
5. Officials to report action taken on orders of Councils.
6. Penalty.

May 14, 1878
A 498
Dates of Meetings of Common Council.

1. That from and after the passage of this ordinance the regular meeting of the City Councils shall be held on the second and last Mondays of every month in each year at such hours as Councils may from time to time designate. (b)

Ord. 2009.
April 30, 1902.
§ 1. I. 146.
Dates of meetings of Select Council.
June 23, 1851.
§ 1. A. 13.

Interruption of Council meetings; penalty.
Id. § 2.

Powers of Presidents of Councils.

2. That from and after the passage of this ordinance the regular meetings of the Select Council of the City of Erie, Pa., shall be held on the first and third Mondays of each and every month at 7:30 o'clock p. m. at the present place of meeting. (c)

3. That it shall not be lawful for any person to interrupt or disturb the Select and Common Councils of said city at any of their meetings, and every person occasioning such disturbance or interruption shall be liable to a fine not exceeding five dollars for every offense.

4. It shall be lawful for the Mayor (d), or person occupying his place at any meeting of the Select Council, and for the President of the Common Council, or any person occupying his place at any meeting of Common Council, to require any

Councils, respectively, within a reasonable time thereafter, the Feb. 25, 1901
action which shall have been taken in compliance with such
resolution.

6. Any person violating any provision of this ordinance shall be subject to suspension from duty without pay, for the Id. § 2
period of thirty days, or forfeiture of office or employment Penalty.
according to the discretion of Councils.

Disorderly Conduct.

1. Disorderly conduct defined.
2. Houses of ill-fame etc., prohibited.
3. Soliciting for purposes of prostitution unlawful.
4. Riot, rout or breach of the peace, or keeping disorderly house prohibited.
5. Indecent exposure.
6. Propagating animals in public prohibited.
7. Penalty.
8. Imprisonment if fine be not paid.
9. Malicious mischief, obscene words and pictures, unjuring shade trees, etc., prohibited; false alarm of fire.
10. Penalty.
11. Driving on sidewalks prohibited. Fast driving prohibited.
12. Horses, etc., not to be driven over bridges, etc., faster than a walk; penalty.
13. Must not drive over docks faster than a walk; penalty.
14. Hitching animals to fences enclosing parks or allowing animals to trespass on same prohibited; penalty.
15. How enforced; market clerks vested with powers of policemen for this purpose; duty of the regular policemen; \$1 fine for market arrests.
16. Congregating of men and boys.
17. Unnecessary congregating on street corners forbidden; penalty.
18. Duty of police to disperse; penalty.
19. Firing cannon prohibited; penalty.
20. Indecent exposure.
21. Injury to street lamps; penalty.
22. Unauthorized lighting or extinguishing.
23. Placing merchandise or other heavy material against lamps; penalty.
24. Hitching horses to or climbing upon lamp posts; penalty.
25. Disposition of the fines.
26. Carrying concealed weapons; penalty.

1. That disorderly conduct is defined to be the doing or Ord. 301.
commission of any of the acts prohibited by this ordinance, Dec. 20, 1887.
and any person who shall do or commit any of said acts shall § 1. D. 80.
be guilty of disorderly conduct. Disorderly
conduct defined.

2. No person shall keep a house of ill-fame, house of Id. § 2
prostitution, or assignation house, within the city, or shall in Houses of
any manner contribute to the support of such houses, or shall ill-fame, etc.,
voluntarily reside therein, or become an inmate thereof. prohibited.

3. It shall not be lawful for any woman, within the limits Id. § 3.
of the City of Erie, to offer her body for the purpose of prosti- Soliciting
tution, or solicit any man for money or purposes of prosti- for purposes
tution, nor shall it be lawful for her to solicit another to visit of prostitu-
any house of assignation, disorderly house or houses of tion unlaw-
prostitution for immoral purposes. ful.

4. No person shall be guilty of any riot, rout, affray, Id. § 4.
unlawful assembly, breach of the peace, profane cursing and Riot, rout,
swearing, drunkenness, gambling, vagrancy, keeping a disor- affray or
derly house, using obscene language, nor disturb the peace breach of
of the city by any undue or unusual noise, or by any other the peace, or
means, nor by improper or riotous conduct disturb any public keeping a
meeting or assemblage whatsoever. disorderly
house pro-
hibited.

5. No person shall publicly exhibit or expose his or her Id. § 5.
person in any indecent manner within the city. Indecent ex-
posure.

6. No person shall use, or permit to be used, in any place Id. § 6.
within the city, not protected from public view, any bull, stal- Propagat-
lion or other animal for covering or propagating purposes. ing animals
in public
prohibited.

Dec. 20, 1887.
Id. § 7.

Penalty.

7. Every person who shall be convicted of the doing or commission of any of the acts prohibited in this ordinance shall forfeit and pay to the City of Erie, a penalty of not less than two dollars nor more than fifty dollars for each and every offense.

Id. § 8.
Imprison-
ment if fine
be not paid.

8. If any judgment recovered or penalty imposed for the violation of any of the provisions of this ordinance be not forthwith paid, the defendant shall be imprisoned or put to hard labor on the streets or elsewhere, not more than sixty days.

July 12, 1866.
§ 1. A. 241

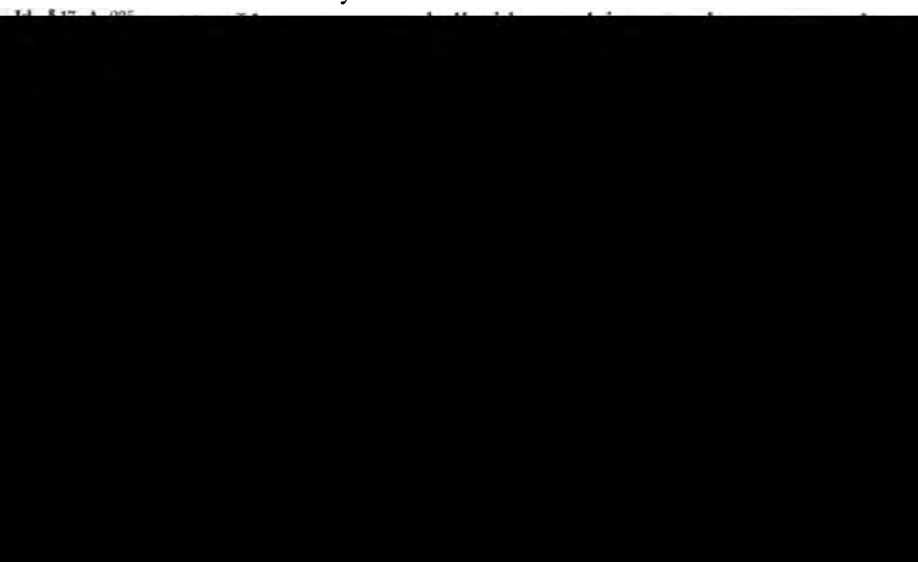
Malicious
mischief.

9. * * * It shall be unlawful for any person or persons, within the bounds of said city, voluntarily, to break and take off any door-knocker, door-bell handle, or take down, destroy, or deface any sign, put up by any inhabitant of said city, to denote his, her, or their place of occupation, trade, business, or residence or the number upon any building, or any direction board at the corners of the streets or elsewhere, erected by the authority of the corporation; or to cut, break, or otherwise destroy, or injure, mark, or deface any part of any dwelling-house, store, manufactory, shop, stable, market-house, engine-house, bridge fence, or other building or enclosure, be the same public or private property; or to draw upon the walls of buildings, fences, etc., any obscene picture or delineation, or to write thereon any indecent or immodest words; or in any way to mutilate or destroy any fruit, shade or ornamental tree or shrub which may be planted on any private ground, or on any of the streets, lanes, alleys, or commons of said city, where the same is or may be hereafter, by law, allowed to be planted; or intentionally to create any false alarm of fire by ringing any bell or other means.

False alarm
of fire.

Penalty.

10. Any person offending against this ordinance shall, upon conviction thereof, pay a fine of not less than one nor more than twenty dollars. •



14. If any person or persons shall hitch or in any way fasten any animal to the enclosures, or fence, or any part thereof, of any of the public grounds thereof in the City of Erie, or shall hitch or fasten any animal near enough to any such enclosure or fence to enable it to reach or damage the same, or if any person or persons shall in any [way] damage, injure, or destroy any such enclosure, or commit, or permit any animal belonging to him or her to commit any trespass upon any such enclosure or public grounds, he, she, or they so offending shall be fined therefor not less than one nor more than fifty dollars, and for the second offense in addition to the above penalty, may be imprisoned not less than one nor more than thirty days in the county jail, at the discretion of the justice; said fines to be recovered as other fines are now by law recoverable.

July 12, 1886.
§ 30. A. 289.

Hitching animals to fences enclosing parks, or allowing animals to trespass on same prohibited. Penalty.

15. For the purpose of enforcing the provisions of the foregoing section, the clerk of the market and the measurer of wood in said city are hereby invested with all the powers of policemen in said city, and are authorized and required to at once remove any animal or animals hitched or trespassing as aforesaid, and to arrest and take forthwith before a magistrate any person or persons owning or having the custody of said animals, or committing said trespass as aforesaid; but the appointment of said officer or policemen as aforesaid shall not in any way absolve or excuse the other policemen of said city from the full performance of their duty in that respect; nor shall said clerk and measurer receive any additional compensation for performing the duties aforesaid out of the city treasury; but any such person making such arrest shall be entitled to a fee (a) of one dollar, to be paid by the party trespassing as aforesaid.

Id. § 31.

How enforced. Market Clerks vested with powers of Policemen for this purpose.

Duty of the regular policemen.

One dollar fee for making arrest.

16. WHEREAS, the unnecessary congregating together of idle men and boys at certain street corners, and on the sidewalks of the city is a disturbance to the transaction of business, and a great annoyance to the good citizens passing along the same.

Mar. 1, 1887.
Preamble. A. 253.

Congregating of men and boys.

17. Therefore, be it ordained and enacted, etc., that all idle persons be and they are hereby prohibited from unnecessary congregating and standing, or sitting, or lounging upon any street or sidewalk of the business portion of said city, under the penalty of not less than one nor more than five dollars for every such offense.

Id. § 1.

Unnecessary congregating on street corners forbidden; penalty.

18. The police officers of said city are hereby authorized and required to see that the streets and sidewalks aforesaid, and particularly the most public and frequented corners thereof, are not obstructed, or passers along the same annoyed by the gathering together, standing, sitting, or lounging of idle persons thereon, and it shall be the duty of the police officers to notify all persons so obstructing said streets or sidewalks, to move onward, and on refusal to comply with such notice, to arrest and take the offender before the Mayor or some justice of the peace of said city, and report to such

Id. § 2.

Duty of police to disperse.

Penalty.

Mar. 1, 1887

magistrate the cause of such arrest, who shall thereupon proceed to hear and render judgment in the case, and if the judgment shall be against the defendant for the penalty, shall, unless the same is forthwith paid, issue execution with clause of *capias* for its collection; *provided*, that where the defendant is a known resident of the city, the police officer may at his option, institute proceedings in the name of the city by summons for the penalty.

June 17, 1873.
A. 406.

Firing cannon prohibited; penalty.

19. From and after the passage of this ordinance, all persons are prohibited from firing cannon within the space of four squares from the public parks of the City of Erie, and any person or persons so offending shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense, which fine shall be collected as other fines in said city are now by law collected.

July 12, 1866.
§ 20. A. 236.

Indecent exposure.

20. If any person shall publicly expose him or herself, naked or mostly naked, (a) for the purpose of bathing or swimming, or for any other purpose, or shall publicly bathe or swim, naked or mostly naked, at any time between sunrise in the morning and one hour after sunset in the evening, on the south shore of the bay, or any other water, between Parade and Cherry (a) Streets, such person shall forfeit and pay a fine of five dollars and thirty-four cents for every such offense. And in case such offender be a minor, his father, guardian or master, if any he hath, shall [be considered as] permitting the offense, and shall forfeit and pay a fine to the amount aforesaid for every such permission.

Sept. 6, 1870.
§ 1. A. 353.

Injury to street lamps; penalty.

21. Any person who shall carelessly or maliciously break or deface or in any way injure any of the public lamps or lamp-posts in the city shall forfeit the penalty of twenty dollars for each and every offense, one-half which penalty, when collected and paid into the city treasury, shall be paid to the person or persons upon whose information a conviction for such offense shall be had.

shall be paid into the city treasury and placed to the credit of the lamp district fund. (a) Sept. 6, 1870

26. From and after the passage of this ordinance, if any person, within the limits of the City of Erie aforesaid, shall carry any fire-arms, slung-shot, handy-billy, dirk-knife, razor, or any other deadly weapon, concealed upon his person, with the intent therewith, unlawfully and maliciously to do injury to any other person, such person so offending shall be deemed guilty of the offense of carrying concealed deadly weapons, and upon conviction thereof before the Mayor, or acting Mayor, or any Alderman of the said City of Erie, shall be sentenced to pay the costs of prosecution and to forfeit and pay a fine, not exceeding one hundred dollars, for the use of said City of Erie, and in default of the payment of the costs and fine so imposed, the person so convicted as aforesaid shall be committed to and imprisoned in the common jail of the County of Erie, Pennsylvania, for a period not exceeding thirty days. Ord. 2402.
Sept. 28, 1904.
§ 1. J. 38.
Carrying
concealed
weapons.
Penalty.

(a) So amended by ordinance of August 28, 1878. A 507.

Docks and Harbor.

1. Harbor-master to prevent illegal fishing, to have police powers; his police duties.
2. Appointment of Harbor-master; term.
3. Salary.
4. Office of Fish Warden abolished.
5. Harbor, canal basin, piers, wharves etc., to be under the supervision of the Harbor-master.
6. Harbor-master to enforce ordinances regulating shipping in the harbor, attend to collection of fees, etc.
7. To direct location and change of station of steamboats, etc., in the harbor; penalty.
8. The foot or north end of State, French and Peach streets declared to be the public landing, but not for the loading of heavy merchandise; penalty; canal basin to be kept clear of obstructions.
9. Protection of the Peninsula.
10. Steamboats, etc., not to anchor so as to obstruct the passage of other craft into or out of the harbor; penalty.
11. Not to be moored, tied or fastened, except to posts or rigs designed for the purpose; penalty.
12. Harbor-master invested with power to enforce rules and regulations; pen-

alty for obstructing him in the performance of his duty.

13. Penalty for injuring the pier-work of the canal basin, bridge, wharf, etc.
14. Penalty for throwing brush, earth, stones, etc., into canal basin, or into the bay, and for throwing therein any garbage, dead carcass, etc.
15. Penalty for carrying away any wood, stone, iron, etc., belonging to the breakwater or piers at entrance to harbor.
16. Rates of dockage; to be collected by Harbor-master.
17. Penalty.
18. Property subject to dockage.
19. Steam craft speed in east and west slips and canal basin.
20. Whistles not to be blown at or near the public dock; exceptions.
21. Penalty.
22. Rental for boat house sites fronting on State street fixed at 50c per lineal foot.
23. Rents due May 1, and payable to the Harbor-master.
24. Duty of Harbor-master in case of default.
25. Ice cutters to erect danger signals.
26. Penalty.

1. That in addition to the duties of the Harbor Master of the City of Erie as the same are now prescribed, it shall be the duty of said Harbor Master to diligently patrol the harbor of Erie, the Ponds of Presque Isle and the waters in and adjacent to the City of Erie, for the purpose of enforcing the laws and ordinances for the protection of fish and the prevention of illegal fishing in such waters. It shall be his further duty to arrest and prosecute all offenders against said laws and ordinances, for which purpose said Harbor Master is hereby vested with the powers of a police official. His service shall be under the direction and control of the police Ord. 2362.
July 7, 1904.
§ 1. J. 19.
Harbor Master to prevent illegal fishing; to have police powers; his police duties.

July 7, 1904

department. He shall possess the qualifications of a regular patrolman. He shall devote his entire time to the duties of his office and when not necessarily employed in or about the Harbor he shall perform such other duties in the Police Department as may be assigned to him by the Mayor or Chief of Police.

Id. § 2.

Appoint-
ment of Har-
bor Master;
term.

2. Said Harbor Master shall be appointed by the Mayor, and his appointment shall be confirmed by the Select Council as provided by law. He shall hold office during the pleasure of the Mayor.

Id. § 3.

Salary.

3. The salary of said Harbor Master shall be Nine Hundred (\$900) per year, payable in monthly installments.

Id. § 4.

Office of
Fish Warden
abolished.

4. That all ordinances, entitled, "An ordinance creating the office of Fish Warden, defining the duties and term of office, and fixing the salary of such Fish Warden," approved June 23, 1898, and all other ordinances or parts thereof conflicting herewith, be and the same are hereby repealed.

June 13, 1853
§ 1. A. 62.

Harbor,
canal basin,
piers,
wharves,
etc., shall be
under the
supervision
of the Har-
bor Master.

5. * * * The harbor of Erie, including the canal basin, together with all public and private piers, wharves and landings within the jurisdiction of the Mayor and Councils of the City of Erie, shall be under the supervision and direction of the Harbor Master of the Port of Erie; subject, however, to the regulations contained in this ordinance, together with such other rules and regulations as shall hereafter be enacted by the Mayor and City Councils aforesaid.

Id. § 8.

A. 63.

Harbor Mas-
ter to en-
force ordi-
nances regu-
lating ship-
ping in the
harbor, at-
tend to col-
lection of
fees, etc.

6. That it shall be the duty of the Harbor Master to strictly enforce such ordinances and regulations as may be from time to time enacted for the better regulation of the shipping lying in said harbor, and shall attend to the collection of such fees and charges as may be from time to time assessed upon all steamboats, vessels, canal boats and other craft loading or unloading in the harbor of Erie, which the said Harbor Master shall be entitled to demand, ask, sue for and recover from any master or owner of such steamboat.

8. The foot or north end of State Street is declared to be a public landing, and no sail vessels, steamboat, or other craft, shall be permitted to load or unload coal, lumber, limestone, plaster, salt, merchandise or other heavy and bulky freight at the foot of said street, under a penalty of twenty-five dollars for each and every offense. * * That portion of the public pier lying directly opposite the north end of French and Peach Streets, are declared to be public landings, and shall be used by no person or persons, without the assent of the Harbor Master first obtained in writing. It shall be the duty of the Harbor Master to keep the canal basin pier proper from its eastern to its western end, clear and free from obstructions, at all times, that teams may pass and repass. (a)

June 13, 1853.
Id. § 10.

The foot or north end of State, Peach and French Streets declared to be the public landing, but not for the loading of heavy merchandise; penalty Canal basin pier to be kept clear of obstructions.

(a) The contract between the Burgess and Town Council of the Borough of Erie, and Robert Brown and others, owners of water lots, dated January 20, 1837, and recorded in the Recorder's office of Erie County in deed book K, pages 438 to 442, inclusive, provides *inter alia* that "The length of each of the stores or warehouses to be erected on the said wharves or platforms shall not exceed 150 feet from north to south, and each and every of the said owners of lots shall leave on the north end of his said wharf or platform, in front of his store house and adjoining the public pier, an open space of the same width of his lot and of the length of 30 feet from north to south, such open space being intended for the convenience of each of the respective owners of lots in the loading and unloading of goods, wares, merchandise and other articles and as a convenient place for the occasional depositing of bulky articles. Each of the said owners of lots shall also leave an open space of the same width of his lot and of the length of twenty feet from north to south on the south end of his said warehouse which may be erected on his said platform or wharf, which said space is to be for the same uses and purposes as that on the north side of said wharf or platform; provided, however, that nothing herein contained shall be so constructed as to prevent the said owners of water lots from extending the second story of their warehouses over the said open space at each end of their said wharves or platforms.

"Fifth. The said owners of water lots and their heirs and assigns shall have, and there is hereby, granted to and vested in them (subject, however, to such acts as the general assembly of Pennsylvania may enact on the subject) the right to use such part of the public pier which forms the canal basin as is in front of their respective lots, and ad-

joining the wharves or platforms so to be by them erected, for the purposes of loading and unloading goods, wares, merchandise, wood and other articles to and from steam boats and other boats and vessels touching or lying at the said public pier; and the said store houses and wharves together with the right of using the whole length of the said public pier and the bridge leading from the shore thereto as a public road or cartway; and the said Burgess and Town Council are not to rent the same to other individuals or permit the said public pier or bridge, or either of them, to be obstructed so as to injure the convenient use of the same for the purposes aforesaid."

Under a contract between the Borough of Erie and the owners of water lots, dated September 12, 1846, and recorded in the Recorder's Office of Erie County in Deed Book U, page 565, it was agreed *inter alia* that each of said water lot owners, his heirs and assigns, at his own expense would "put in immediate repair so much of the public or canal basin pier as lies immediately in front of their respective lots, and the same to keep in constant and good repair always, under the supervision and direction and according to the regulations and ordinances of the Burgess and Town Council. The Burgess and Town Council reserving to themselves the right to make all such necessary repairs in case of refusal or neglect on the part of the owners after 30 days' notice upon the owners or occupants, and to collect the same with cost from the owners as debts of like amount are collected."* *

And they (the water lot owners) "covenant to pay the Burgess and Town Council the sum of six dollars for each and every lot by him or them owned, and fronting on the canal basin pier, upon the signing of the contract and annually thereafter, for the purpose of keeping the State street canal basin bridge in repair, shall be and remain a

June 13, 1853.
Id. § 11.

Protection of
Peninsula.

9. The Harbor Master of the Port of Erie shall be superintendent of the Island or Peninsula, and shall protect it against waste and depredation and shall enforce all acts of assembly ordinances and regulations that may be enacted for the government and preservation of the same.

Id. § 12.
A. 65.

Steamboats,
etc., not to
anchor so
as to ob-
struct the
passage of
other craft
into or out of
the harbor.
penalty.

10. Any owner, master, or other person having in charge any steamboat, vessel, canal boat, or float, who shall anchor or otherwise fasten or permit to be anchored or fastened any such steamboat, vessel, canal boat, or float, in the waters of the harbor of Erie, or the canal basin, in such manner as to obstruct the free passage of steamboats, or other crafts, or floats, coming into or going out of said harbor or canal basin, and who shall not remove at once, after directed to do so by the Harbor Master, shall forfeit and pay the penalty of twenty-five dollars for every such offense; and for every hour they shall remain, after such notice, they shall forfeit and pay the further sum of twenty-five dollars.

Id. § 5.
A. 63.

Not to be
moored, tied
or fastened,
except to
posts or rings
designed for
the purpose;
penalty.

11. If any person shall moor, tie, or fasten, any steamboat, schooner, canal boat or other vessel, or float, to any part of the bridge, or causeway, or pier of the canal basin, except at the posts or rigs designed for that purpose, such person shall forfeit and pay a fine of five dollars and thirty-four cents for every such offense, and an additional fine to the same amount for every hour such steamboat, schooner, or other vessel or float, shall remain moored or fastened, as aforesaid, after suit instituted for the first or any subsequent fine.

Id. § 13.
A. 65.

Harbor Mas-
ter invested
with power
to enforce
rules and
regula-
tions; pen-
alty for ob-
structing
him in the

12. That the Harbor Master is invested with full power and authority to enforce this and all other rules, regulations and ordinances, and to compel obedience to the same, and if any master of any canal boat, steamboat, vessel, or other craft, shall refuse or neglect to comply with the directions of said Harbor Master in matters within the jurisdiction of his office, or if any person or persons shall prevent or obstruct the said Harbor Master in the execution of the duties enjoined on him,

of the injury done. And every person doing any such injury shall forfeit and pay a sum equal to the amount of the injury done, though there be adduced no evidence of negligence or want of care. June 12, 1853

14. Any person who shall place or cause to be placed in any part of the canal basin or bay of Presque Isle, within the bounds of this city, any brush, tree, timber, stone, earth, piers, or other things which shall render the water in any part thereof more shoal, or in any way obstruct the free navigation thereof in any part or portion of the same, unless authorized by the Mayor and Councils, or the laws of the Commonwealth, or shall place or cause to be placed therein any dead carcass, garbage, putrid or unwholesome animal or vegetable substance, other filth or nuisance whatever, such person shall forfeit and pay to the City of Erie a fine of not less than ten (*a*) dollars nor more than fifty dollars, (*a*) for every such offense, and double the amount of the cost of removing such obstructions or nuisance. Id. § 7.
Penalty for throwing brush, earth, stones, etc., into canal basin, or into the bay, and for throwing therein any garbage, dead carcass, etc.

15. That if any person or persons shall, after the passage of this ordinance, take and carry away, or appropriate to his, her or their own use, or otherwise dispose of any wood, stone, iron, or other material heretofore used or now remaining in or upon any part of the breakwater, or channel and piers, at the eastern end of the harbor at Erie, he, she, or they, so offending, shall forfeit and pay for every such offense the sum of fifty dollars, to be collected as other fines and penalties due the city are by law collectible. June 20, 1855.
§ 1. A. 185.
Penalty for carrying away any wood, stone, iron, etc., belonging to the breakwater or piers at the entrance to the harbor.

16. That each and every person or firm (*b*) landing any goods, wares, or merchandise upon the canal basin pier in the City of Erie, or bringing such articles on said pier from the city or county, excepting such goods, wares, or merchandise as are to be stored, shall pay the sum or sums of money taxed upon such articles as designated in the following schedule; the money raised from said taxes to be paid into the city treasury, by the Harbor Master, to be appropriated to the improvement and repair of the canal basin pier and bridge, viz: June 12, 1853.
§ 3. A. 62.

Merchandise, five cents per barrel.

Salt, flour and provisions, five cents per barrel.

Stone Coal, twenty-five cents per ton.

Stone, fifty cents per cord.

Pot or Pearl Ashes, ten cents per barrel.

Lumber, twenty-five cents per thousand feet.

Shingles, five cents per thousand.

Pig Iron, thirty cents per ton.

Wood, ten cents per cord.

Cut Stone and Marble, twenty-five cents per ton.

Staves and Heading, fifteen cents per thousand.

Articles not enumerated, in proportion to the foregoing rates; *provided*, that the above rates shall be doubled on all property above referred to or enumerated that remains on said piers more than ten days.

Rates of dockage required to be collected by Harbor Master.

(*a*) So amended by ordinance of June 17, 1873, A 407.

(*b*) So amended by ordinance of July 12, 1866. A 228.

June 13, 1853
§ 4. A. 63.
Penalty.

17. Any person or persons neglecting or refusing to comply with the requisition of this section, shall forfeit and pay the sum of five dollars and thirty-four cents for each quantity of the several articles mentioned in the foregoing schedule, as well [as] those not enumerated, on which the specific tax is thereby assessed.

Id. § 2.
A. 62.
Property
subject to
dockage.

18. That all property that shall be shipped or transhipped within the harbor of Erie, by persons not regularly engaged in the forwarding and commission business in the said city, and all property that shall be discharged within the harbor of Erie, by steam or sail vessels, canal boats or floats, to other than regular commission houses, shall be subject to the usual rate of dockage, to be collected for the use of the said City of Erie, and it shall be the duty of the Harbor Master to collect the same by suit, or otherwise, as other debts are by law recoverable.

Ord. 153.
Sept. 9, 1885.
§ 1. C. 227.

Steam craft
speed in the
east and west
slips and
canal basin.

19. That it shall not be lawful for persons running steam yachts and other steam craft, to run at a speed in excess of three miles an hour, in passing through the east or west slips, or in moving about in the basins inside the public wharf.

Id. § 2.
Whistles
not to be
blown at or
near the
public dock;
exceptions.

20. It shall not be lawful for persons running or managing any steam yacht or yachts, or other steam craft, to blow the whistles thereof when lying at the dock near the public wharf, or moving about in the vicinity of the same. *Provided*, that such craft may be allowed to blow a cautionary signal of not more than two blasts of their whistle when passing through the public slips, and also be allowed to blow their whistles on such occasions as they are required to be blown by the regulations of the United States relating to the navigation of steam vessels.

Id. § 3.
Penalty.

21. Any person or persons violating the provisions of the first section of this ordinance shall forfeit and pay a penalty of not less than ten dollars, nor more than one hundred dollars, for each and every offense; and any person or persons violating the provisions of the second section thereof, shall

25. That hereafter it shall be the duty of any and all persons engaged in cutting and removing ice from the Harbor of the City of Erie, to erect a sign or signs, with the word "dangerous" thereon in large capitals; said sign or signs to be so placed as to duly warn all persons of the danger arising from the removal of the ice. June 22, 1882.
Ord. 28.
§ 1. C. 41.
Ice cutters
to erect danger
signals.

26. Any person or persons neglecting or refusing to comply with the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than five dollars or more than one hundred dollars for each and every offense, to be recovered by an action of debt, or by summary proceedings; and in default of immediate payment of such fine as may be imposed, and costs, such person or persons shall be committed for a period not exceeding sixty (a) days, or sentenced to hard labor in the city upon the streets, or elsewhere, for the benefit of said city, for a period not exceeding sixty days. Id. § 2.
Penalty.

(a) Imprisonment under city ordinances is limited to thirty days by Act of May 23, 1889, art. 5, sec. 3. P. L. 294.

Dogs.

Running at Large and Taxation of Dogs.

1. Dogs not to run at large after 24 hours' notice without being muzzled; penalty.
2. Penalty for hindering persons in seizing and killing dogs running at large contrary to law.
3. Dogs killed to be buried at the

- expense of the owner, when known.
4. Penalty for refusing to pay expense of burying dogs.
5. The Mayor to appoint an assessor for each ward to assess all dogs.
6. Dog tax fixed at \$1; manner of collecting.

1. That after twenty-four hours' notice by the Mayor, by public proclamation, no dogs shall be permitted to go at large in the streets, alleys, lanes, squares, or public places in the City, without being led and securely confined by a chain or string, or being well and securely muzzled, under the penalty of ten dollars for each offense, to be recovered from the owner or possessor of said dog, or the person who harbored said dog, within two days prior to the time of such dog being found so going at large; and it shall be lawful for any person duly authorized by the Mayor, or for any citizen, to seize, shoot, or otherwise kill any dog so running at large without being securely fastened, or muzzled as aforesaid. July 12, 1886.
§ 1. A. 243.
Dogs not to
run at large
after 24
hours' notice
without be-
ing muzzled.

2. No person shall hinder or molest any person or persons who may be engaged in seizing, shooting or otherwise killing any dog going about as aforesaid, or removing the carcass thereof, under the penalty of twenty dollars. Id. § 2.
Penalty for
hindering
persons in
seizing and
killing dogs
running at
large con-
trary to law.

3. The person appointed by the Mayor to enforce this ordinance, and any person killing any dog, shall carefully bury the same, and the expense shall be paid by the owner of such dog, if known and found, or if there be no known owner or claimant of such dog, said expense shall be paid and borne by the city. Id. § 3.
Dogs killed
to be buried
at the ex-
pense of
owner when
known.

July 12, 1868.
Id. § 4.

Penalty for
refusal to
pay expense
of burying
dogs.

Id. § 6.
A. 24.

Mayor to ap-
point an as-
sessor for
each ward to
assess all
dogs.

Ord. 330.
Mar. 3, 1888.
§ 1. D. 126.

Dog tax fix-
ed at \$1;
manner of
collecting.

4. If any person, the owner or harborer of any dog so killed as aforesaid, shall neglect or refuse to pay the expense of said burying on demand, such owner or harborer shall forfeit and pay the sum of five dollars for such neglect or refusal; *provided*, the cost of such burial shall in no case exceed the sum of one dollar; *provided, further*, that nothing in this ordinance shall prevent said owner or harborer from himself burying such dog killed as aforesaid, if immediately done by such owner or harborer.

5. The Mayor is authorized to appoint an assessor for each ward, whose duty it shall be to assess all dogs within the city as contemplated by the foregoing section of this act, and who shall receive for compensation fifty cents for each dog or bitch so assessed, and for which said tax shall be collected. (a)

6. That for the year 1888, and each and every year hereafter, a tax of one dollar shall be and is hereby levied upon each and every dog in the City of Erie, to be collected as ordinary taxes in said city are collectible.

(a) See Infra 6.

Eight Hour Day.

1. Eight hours a day's work in certain cases.

Ord. 884.
Dec. 10, 1890
§ 1. E. 55.

Eight hours
a day's work
in certain
cases.

1. That from and after the passage of this ordinance, eight (8) hours shall constitute a day's work for all laborers, mechanics and other persons employed by the day by the City of Erie; and said hours shall be from eight o'clock in the morning till twelve o'clock, noon, and from one o'clock till five o'clock in the afternoon.

each and every offense, and a further penalty of fifty dollars May 9, 1881.
for every twelve hours that such explosive articles shall re- Penalty.
main so kept or stored as aforesaid, after the Building In-
spector shall have given one day's notice, in writing, to the
owner or agent of the owner of said explosive articles afore-
said, within the City of Erie, or to the owner or agent of the
building in which the said explosive articles are stored, to re-
move the same, as required in said notice, beyond the limits
of the city.

2. If the owner or owners, agent or agents of any giant Id. § 2.
powder, nitro-glycerine, dualin, dynamite, or any other com- Mayor and
pound containing nitro-glycerine, or the owner of or agent for Building In-
any building within the City of Erie, wherein the said explo- spector au-
sive articles shall be kept or stored, in violation of the pro- thorized to
visions of the preceding section, * * shall neglect or refuse adopt meas-
to comply with the notice requiring said explosive articles ures for
to be removed beyond the limits of the city, then it shall be public safe-
lawful for the Mayor of the city and the Building Inspector ty; to cause
(who are hereby constituted a committee of safety in all such removal,
cases), to adopt such measures and means as they may deem etc., of un-
expedient for public safety; to condemn, destroy, remove or authorized
otherwise dispose of the dangerous articles aforesaid. plosives.

3. No person shall keep or deposit in any store, shop, or May 9, 1881.
building of any kind, or on the premises connected therewith, § 1. A. 570.
in the City of Erie, more than twenty-five pounds of gun- Gunpow-
powder, at any one time, except by special permission, as here- der; not
inafter provided. In all such cases, the powder shall be kept more than 25
in stone jars, or in metallic canisters, each of which shall not lbs. to be
contain more than one pound; and said powder shall be handled kept
and sold only by daylight. Any person violating any pro- without per-
vision of this section shall forfeit and pay a penalty of not mission;
less than five nor more than twenty-five dollars for each and must be
every offense, unless the offense shall be the keeping for sale kept in me-
a larger quantity of powder than is authorized by this section, tallic canis-
in which case the penalty named in the second section hereof ters and sold
shall be enforced. only by day-
light.

4. When a merchant, or other person having a store or Id. § 2.
fixed place of business, shall desire to keep for sale in his Permit to
store or place of business, more than twenty-five, and not ex- keep 25 to
ceeding one hundred, pounds of gunpowder, application for 100 pounds
permission so to do shall be made to the Building Inspector, may be
who is hereby authorized to grant a permit therefor, if, in his granted by
opinion, the keeping of such quantity of powder in the par- Building In-
ticular locality, will not unduly endanger life or property; spector.
provided, that in all such cases the said permit shall be granted
upon the conditions that the powder shall be kept in kegs or
cans, or other safe vessels, containing not more than twenty-
five pounds each, and that such kegs, cans, or other vessels,
except during business hours, shall be deposited in an iron Shall be
box, or wooden box covered with iron or other metal, and stored in a
marked "Powder" in plain letters; the form and construction metallic box
of said box to be approved by the Building Inspector. Said marked
box, with all of said powder securely enclosed therein, except "Powder."
during business hours as aforesaid, shall be placed on the side- and placed on
the sidewalk.

May 9, 1881.

Penalty.

Id. § 3.
 Permits for
 keeping
 more than
 100 pounds to
 be granted
 only by
 Councils and
 under cer-
 tain regula-
 tions.

Penalty.

Id. § 4.
 Regula-
 tions for

walk, directly in front of and adjoining the store or building of the person holding such permit, so that it may be conveniently removed in case of fire; no gunpowder to be sold or exhibited for sale, except by daylight. Any person who shall keep at his store or building, or on premises under his control, at one time, more than twenty-five pounds of gunpowder, without having obtained a permit so to do from the Building Inspector, or who, having obtained such permit, shall keep a greater quantity of powder than one hundred pounds, or who shall violate either of the conditions mentioned in this section, shall forfeit and pay a penalty of not less than twenty-five, nor more than one hundred dollars, for each and every offense, and a further penalty of twenty dollars for each and every day the offense shall continue, after notice in writing from the Building Inspector demanding compliance with the provisions hereof.

5. Whenever any person or corporation, or the agent of any person or corporation, shall desire permission to keep for sale, within the limits of said city, more than one hundred pounds of gunpowder, at any one time, application for such privilege shall be made to the City Councils, who may grant or refuse permission, as may seem to them proper; but no such permission shall be granted unless such person, corporation, or agent, shall have first, with consent of Councils, prepared a fire-proof magazine for the storage and safe keeping of said powder, located in such part of the city as said Councils shall have approved. And any person, or agent, who shall keep or store gunpowder, in said city, in quantity exceeding one hundred pounds, unless the same is kept in such authorized magazine, or who shall construct such a magazine without first having received permission from Councils, as aforesaid, shall forfeit and pay a penalty of one hundred dollars.

6. No gunpowder, in quantity exceeding six pounds shall

offense; *provided*, that this section shall not be deemed as pro- ^{May 9, 1881.}
hibiting the usual demonstrations on the Fourth of July, ^{City not}
New Year's Day, and the twenty-second of February. ^{liable for} But ^{damages.}
no such permission from the Mayor, as herein provided, shall
be construed to incur on the part of the city any liability for
damages by reason of any accident caused by such firing or
use of fireworks. (a)

(a) See title "Licenses" for licenses to sell fireworks.

Fast Driving.

[See Disorderly Conduct.]

1. Fast driving allowed on West 6th Street at certain times.
2. Also on West Tenth Street.

1. That so much of the ordinance approved July 12th, ^{Feb. 23, 1886.}
1866, as prohibits driving upon any street in the City of Erie ^{Ord. 178.}
at a gait faster than six miles per hour, be, and the same is ^{§ 1. C. 262.}
hereby modified so as to permit parties to drive at such rate ^{Fast driving}
of speed as they may desire upon Sixth Street, from Peach ^{allowed on}
Street west to Walnut Street, between the hours of 2:00 ^{West 6th}
o'clock and 4:30 o'clock p. m. whenever there is sleighing, and ^{Street at}
it shall be the duty of the Chief of Police to cause Sixth Street ^{certain}
to be properly patrolled during said time. ^{times.}

2. That so much of the ordinance approved July 12, 1886, ^{Ord. 922.}
(a) as prohibits driving upon any street in the City of Erie at ^{Jan. 22, 1894.}
a gait faster than six miles per hour, be, and the same is hereby ^{§ 1. E. 357.}
modified so as to permit parties to drive at such rate of speed ^{Street.}
as they may desire upon Tenth Street, from Sassafras Street ^{Also on}
west to Cherry Street, between the hours of 2:00 and 5:00 ^{West 10th}
o'clock p. m. whenever there is sleighing, and it shall be the ^{Street}
duty of the Chief of Police to cause Tenth Street to be properly
patrolled during said time.

(a). Presumably intended to read "1866."

Fines and Penalties.

1. Duty of the Mayor when notified of violation of a city ordinance.
2. Aiding or encouraging others to violate city ordinances; penalty.
3. Fines may be enforced by imprisonment or labor not exceeding thirty (30) days.
4. Superintendent of Streets or po-

licemen to have charge of persons at public labor; shall be fed at expense of city and confined in jail or lock-up at night.

5. Superintendent of Streets vested with police powers when in charge of persons adjudged to work on streets.

1. On complaint made in writing by any citizen of this city ^{July 12, 1866.}
to the Mayor thereof, setting forth such citizen's knowledge ^{§ 28. A. 233.}
of the violation of any ordinance thereof, and the name of ^{Duty of the}
the person offending, it shall be the duty of the Mayor, if ^{Mayor when}
he shall think the complaint well founded, and the case one ^{notified of}
in which good order [would require] the penalty to be in- ^{violation of}
flicted, to cause suit immediately to be instituted against the ^{a city ordi-}
offender; if otherwise, it shall be his duty to lay the complaint ^{nance.}
before councils at their next meeting, who shall thereupon

July 12, 1866

adopt such order respecting the same as shall seem proper and expedient. And whenever the Mayor shall cause any such suit to be instituted against the offender if there shall be no attorney in the employ of the city, he shall have power to employ one to attend to such suit, at such compensation as shall be deemed reasonable; *provided*, that [when] such complaint shall be of some nuisance, or obstruction of some street or sidewalk, the Mayor may, if he thinks proper, previous to commencing suit, cause the offender to be notified to abate or remove the same, and if such notice be forthwith complied with, omit instituting suit.

Id. § 27.

Aiding or encouraging others to violate city ordinances; penalty.

2. All and every person or persons in any manner aiding, or abetting, instigating, or encouraging any other person to violate any ordinance of this city, shall be subject to the same penalties and forfeitures as the principals.

Ord. 150.
June 10, 1885.
§ 1. C. 218.

Fines may be enforced by imprisonment or labor not exceeding 30 days.

3. That whenever any fine shall be imposed on any person or persons for the violation of any ordinance or regulation of the City of Erie, and the person or persons shall be unable or unwilling to pay such fine and costs, it shall be lawful for the magistrate imposing such fine to adjudge that the person or persons on whom such fine is imposed, shall be imprisoned in the county jail or lock-up of said city for a period of not exceeding thirty days, or that such person or persons shall be put to hard labor, not exceeding thirty days, in the city upon the streets, in the jail yard or at such other place or places as the municipal authorities may from time to time provide. (a)

Aug. 13, 1866.
§ 2. A. 247.

Superintendent of Streets or policemen shall have charge of persons at public labor.

4. The person or persons so adjudged to labor upon the streets as aforesaid, shall forthwith be committed to the custody of the Superintendent of Streets in said city, or of some policeman, and the person or persons adjudged as aforesaid shall forthwith be put at public labor on the streets as aforesaid and during the continuance of said labor shall be duly fed at the expense of said city, and during the night shall be safely confined in the lock-up or jail, and thence taken out

Shall be fed

Fire Department.

Officers and membership of the Department.
 Chief and assistants to be chosen by Fire Commissioners may employ an Assistant Chief of Fire Department.
 Duties.
 Authorized Fire Alarms.
 Duties and powers of Chief of Fire Department.
 Duties of Company Foreman.
 Qualifications of firemen; application for appointment.
 Fines; penalty for possessing property non-members.
 Disobedience of orders; hindrance in performance of duty; injury to property; penalty: driving over hose;
 Management of the fire alarm system.
 Unauthorized possession of keys to alarm boxes; penalty.
 Willful false alarms of fire and interference with the fire alarm system;
 Fines interfering with the fire system to be trimmed.
 Intoxicants prohibited in Fire Department buildings; penalty; creating alarms of fire; penalty.
 No obstructions to be placed near hydrants; penalty; hydrants to be tested twice a year.
 Rules to be posted in each fire station.
 Repeal.
 Fire police authorized.
 Duties of fire police.
 Duties of citizens at fires; penalty.
 No penalty for disobeying the order of a fireman unless he wears a uniform.
 Firemen constituted police officers of fire, etc.

24. Management and control of Fire Department placed in charge of a Board (of 3) Fire Commissioners; shall be freeholders; appointment; term; when appointed.
25. Vacancies.
26. Organizations; quorum; appointments.
27. Office of Secretary of Board of Fire Commissioners created; appointment; term.
28. Duties; office hours.
29. Salary.
30. Meetings; shall keep a record; power to enact rules.
31. Power to make repairs, purchase supplies and award contracts not exceeding three hundred dollars (\$300); annual requisition to the City Controller; limitation of authority; claims.
32. Empowered to appoint and dismiss all officers and employees of Department.
33. Shall serve without compensation.
34. Repeal.
35. Ten days' vacation annually.
36. Commissioners to designate dates and rules.
37. Permits to move buildings; deposit for expenses.
38. Supervision of, erection, etc., of buildings in fire limits.
39. No veneered building to be erected in fire limits except for dwellings and private barns.
40. Fiscal year of Department.
41. Salary of Chief.
42. Salary of Assistant Chief.
43. Salaries of Regular firemen, captains and engineers.
44. Salaries of Minute men and Stokers.
45. Rules and Regulations of the Fire Department.

Be it enacted, etc., The Fire Department of the City of Feb. 8, 1881.
§ 1. A. 555.
 shall consist of one Chief Engineer, two (a) Assistant Officers and membership of the Fire Department.
 Engineers, two steam fire engine companies, six hose companies, and one hook and ladder company, and as many more Id. § 2.
 hose engine, hose and hook and ladder companies as the apparatus belonging to the city may, as determined by Mayor and Councils, from time to time require. (b) Chief and assistants to be chosen annually.
 The Chief and Assistant Engineers shall be chosen annually (c) in the month of May. * * * * Vacancies Ord. 865.
Sept. 30, 1893.
§ 1. E. 331.
 in number may be filled at any time, in the manner * * *
 provided for an original election.
 That from and after the passage of this ordinance the Fire Commissioners
 of Fire Commissioners be and are hereby authorized may employ an Assistant Chief of Fire Department.
 to employ one person to act as Assistant Chief to the Fire Department.

See Infra 3, 4.
 The fire Department as at present constituted (January, 1906) consists of Chief, one assistant chief, eleven Engineers, seven engineers, thirty-one uniformed firemen, seven stokers and twenty-five call or minutemen,

nine Department houses, seven fire steamers, one chemical and one combination engine, eight hose carriages, one hook and ladder truck in use, and one in reserve, together with the necessary hose and other equipments.
 (c) See Infra 32.

Sept. 30, 1893
Id. § 2.

Duties.

4. That the said Assistant Chief shall devote his entire time and attention to the duties of his position, and do and perform such offices and services as may be required of him by the Board of Fire Commissioners and the rules of the Fire Department. (a)

Feb. 8, 1881.
§ 3. A. 555.

Unauthor-
ized fire
alarms.

5. * * * * * No person not specially appointed for the purpose, * * shall be permitted to strike a fire alarm at said central station, under a penalty of five dollars for each such offense. (b) * *

Feb. 8, 1881.
§ 6. A. 555.

Duties and
powers of
Chief of Fire
Department.

6. The Chief Engineer shall have the charge, * * * * of the Fire Department, and all the engines and other apparatus belonging thereto, including the fire alarm telegraph. Each member of the Fire Department shall be subject to his orders. He shall see that the apparatus of the department is at all times kept in repair and ready for immediate use. For this purpose he shall have authority, in all cases in which any engine, or any of the apparatus belonging to the Fire Department, or the fire alarm telegraph, shall be in want of immediate repairs, to cause such repairs to be made. * * (c)

Id. § 7.

Duties of
Company
foreman.

7. The Foreman, and in case of his absence or inability to act, the Assistant Foreman of each company, shall have the control and direction of the company, subject to the Chief Engineer or the Assistant in charge of the Department; and it shall be the duty of said Foreman or Assistant to see that the apparatus of his company is at all times in good condition and ready for use, and to report to the Chief Engineer any defects in said apparatus, or any misconduct of any members of his company, which shall at any time come to his knowledge; also to immediately report all vacancies in his company, by death, resignation, or otherwise.

Id. § 8.

Qualifications
of firemen;
applications
for appoint-
ment.

8. No person shall be appointed a member of the Fire Department who is not of good moral character, twenty-one years of age, and a resident of the City of Erie. Applications for admissions to membership in the Fire Department shall be made to the Chief Engineer, who shall examine into the

Each badge shall bear a distinct number, and shall be the exclusive property of the City of Erie; and whenever any member of the Fire Department shall resign, or cease his connection therewith, it shall be the duty of the Foreman of the Company to which such member was attached, to procure the badge of such member and return it to the Chief Engineer, who shall be the custodian of all badges supplied for the use of the Department. Every fireman not applying for and receiving his badge, within three months after notice to him, or to the foreman of the company in which he is enrolled, shall be deemed to have forfeited his appointment, and his name shall be stricken from the roll of firemen; and any fireman who shall lose, destroy or dispose of his badge, shall be required to pay to the city the cost of replacing the same. No person, not a member of the Fire Department, shall be permitted to have possession of any such badge, under a penalty of five dollars for every such offense.

Feb. 8, 1881.
Penalty for possessing badge by non-members.

10. Every member of the Fire Department who shall neglect or refuse to obey any legal order of the Chief Engineer, or Assistant in charge of the department, or of any superior in rank or position, shall forfeit and pay a penalty of ten dollars; and every person willfully offering any hindrance to any member of the department, in the performance of his duty as such, and every person who shall willfully injure any hose, fire engine, or other fire apparatus, or buildings containing the same, belonging to the city, shall forfeit and pay a penalty of twenty-five dollars for each and every offense. Any person who shall drive over, with a wagon or team, any hose placed in a public street or alley, for the purpose of extinguishing a fire, shall forfeit and pay a penalty of twenty-five dollars for each and every such offense; and in all cases, the person or persons offending as aforesaid, shall be liable to an action for the recovery of the damage done, in addition to the penalty.

Id. § 10.
Disobedience of orders; hindrance to firemen in performance of duty; injury to apparatus; penalty.

Driving over hose; penalty.

11. * * * * The Chief Engineer of the Fire Department shall have the control, management and supervision of the fire alarm telegraph, and of all apparatus, instruments, wires, batteries, boxes, and signal stations whatsoever, belonging to or connected with said telegraph (a); and he shall see that the same are at all times kept in proper working order; and he shall have the custody and control of all keys belonging to the various signal boxes, and shall keep a record of all keys distributed by him, and take receipts therefor.

Feb. 12, 1879.
§ 1. A. 500.

Management of the fire alarm telegraph.

12. No person shall make, cause to be used, or have in his possession, an impression, or duplicate of any signal box key, without the express permission of the Chief Engineer of the Fire Department, under a penalty of not less than five, nor more than fifty dollars to be collected for the use of said City of Erie, as penalties are by law collected.

Id. § 2

Unauthorized possession of keys to signal boxes; penalty.

13. No person shall give, or cause to be given, a false alarm (b) through or by means of said telegraph or any of the apparatus connected therewith, with intention to deceive,

Id. § 3.

Willful false alarm of fire and interference with the fire alarm system.

(a) See "City Electrician,"—.

(b) Supra, 5 and Infra, 15.

Feb. 13, 1879

Penalty.

nor tamper, meddle, or interfere in any manner with the signal boxes, or cut, break, injure, deface, or remove any of the said boxes, or any of the poles, wires, or supports connected with any part of the said telegraph line, or make any connection therewith, so as to interrupt or interfere with the proper working of said telegraph, or wrongfully injure, break or destroy any apparatus, machinery, or fixtures connected with said telegraph. Any person violating any of the provisions of this section shall forfeit a penalty of not less than five nor more than fifty dollars for each and every offense, to be collected for the use of said City of Erie, as penalties are by law collectible.

Id. § 4.

Trees interfering with the fire alarm system to be trimmed.

14. Whenever in the construction of said fire alarm telegraph line, in the opinion of the Chief Engineer of the Fire Department, it shall become necessary to trim any tree or tree standing in the streets of the City of Erie, in order that said line may be properly constructed and operated, it shall be lawful for the said Chief Engineer to cause the said tree or trees to be trimmed in such manner as he shall deem best for that purpose, provided that in every such case it shall be his duty to cause as little injury to said trees as possible.

Feb. 8, 1881.
§ 11. A. 556.

Intoxicants prohibited in Fire Department Building; penalty. Creating false alarms of fire; penalty.

15. No person shall take into, or in any manner use in any engine, hook and ladder, or hose house, any spirituous, vinous or malt liquor, or cider, under a penalty of twenty-five dollars for each and every offense. No person shall willfully ring, or aid, or assist in ringing, any bell, or make any shout or cry for the purpose of creating, or which shall be designed or have the effect to create, a false alarm of fire, or in any manner aid or assist in creating such false alarm, under a penalty of ten dollars for each and every offense.

Id. § 12.

No obstructions to be placed near fire hydrants; penalty.

16. No person shall place any stone, brick, lumber or other obstructions around or upon any hydrant erected for fire purposes, so as to interfere with the convenient access to same at all times, under a penalty of ten dollars for each and every such offense; and it shall be the duty of the Chief Engineer,

fire police, the names of the members being submitted by the Fire Department to the Mayor and Councils (a) for their approval or rejection. Upon the approval of a sufficient number of persons, as aforesaid, the said association shall be called "The Erie Fire Police," (b) and the members thereof shall, on all occasions of fire, or others, when they appear in their official character, be designated by such badge, or mode of distinction, as the Fire Department shall institute for that purpose.

20. It shall be the duty of the Fire Police to promptly appear on occasions of fire, with their badges on, and in conjunction with the Chief and Assistant Engineers, * * * or any of them, especially to take care of and remove all property liable to loss or theft in consequence of said fire; and in all other respects afford aid to the Fire Department in their operations, in obedience to the requisitions of the Chief and Assistant Engineers, * * * or any of them, and for this purpose they, and each of them, are hereby authorized to require the assistance of any able-bodied citizen present at any fire.

Id. § 10
Duties of fire police.

21. It shall be the duty of all citizens repairing to fires to be obedient to all orders of the Engineers * * * and Fire Police, in the extinguishment of fires, and in the removal of property, and in case any citizen shall refuse obedience to such order, he shall forfeit and pay a fine for every such offense, of not less than five dollars.

Id. § 13.
Duties of citizens at fires, penalty.

22. That no person shall be liable to any penalty herein provided, for any refusal to obey the orders of any member of the Fire Police, or other officer of the Fire Department, unless he has on his person, at the time, in some conspicuous place, the appropriate badge or distinction of his office.

Id. § 9.
No penalty for disobeying the orders of a fireman unless he wears a badge.

23. That the Chief Engineer, Assistants, * * * and Fire Police, and every of them, are hereby constituted police officers, on occasions of fire, or alarm of fire, with full power and authority to arrest, or cause to be arrested, any person who shall be detected in willfully injuring or stealing any property exposed in consequence of the fire, or any person interfering with or hindering any officer, fire company, fireman, or citizen, in the discharge of his duty on occasions of fire, or alarm of fire, and when so arrested, to convey him, her or them before the Mayor, or other proper officer, or commit to the lock-up house, until a hearing can be had.

Id. § 11.
Firemen constituted police officers at fires, etc.

Ord. 112.
Mar. 31, 1884.
§ 1. C. 180.

24. That the management and control of the Fire Department of the City of Erie shall be vested in a Board of Fire Commissioners, which shall consist of three citizens who shall be free holders in said city, who shall be appointed by the

Management and control Fire Department placed in charge of a Board (of 3) Fire Commissioners;

(a) The power of appointment is now vested in the Board of Fire Commissioners, see *Infra*, 32.

(b) There was no Fire Police in existence in Erie January, 1906.

March 31, 1884

shall be freeholders; appointment; term. Mayor (a) by and with the advice and consent of the Select Council, immediately after the passage of this ordinance; said Commissioners so appointed shall hold office as follows: one for one year, one for two years, one for three years, each to hold respectively until his successor is appointed.

That in each month of January thereafter, there shall be appointed by the Mayor with consent of Select Council aforesaid, one member of said Board for the term of three years. The terms of Commissioners appointed under this ordinance to commence the first Monday in April following their appointment.

Id. § 2.

Vacancies.

25. That whenever any vacancy shall occur by death, resignation, removal from office for cause, by the Mayor, or otherwise than by expiration of term of office, it shall be the duty of the Mayor (a) to appoint, with the consent of the Select Council, some person to fill said vacancy.

Id. § 3.

Organization; quorum; appointment.

26. Said Board shall upon its organization, and annually thereafter, elect one of its members as President of the Board. * * * A majority of the members of the Board shall constitute a quorum for the transaction of business, but no election of officers or appointment of men shall be valid unless approved by a majority of the Board, and the vote clearly recorded by the Secretary.

Ord. 1881.
June 19, 1901.
§ 1. I. 46.

Office of Secretary of Board of Fire Commissioners created; appointment; term.

27. That an office to be known as Secretary of the Board of Fire Commissioners and Clerk to the Inspector of Buildings, be and is hereby created; said Secretary to be appointed by the Board of Fire Commissioners, and to hold office during the pleasure of said Board.

Id. § 2.

Duties; office hours.

28. It shall be the duty of the said Secretary to keep all the records of the Board of Fire Commissioners and the Inspector of Buildings, and to do and perform all such other duties as may be assigned said Secretary by the Board of Fire Commissioners and the Inspector of Buildings. The office hours of said Secretary shall be from 8:00 a. m. to 12:00

31. The said Board shall have power to make all necessary repairs of houses and engines or other apparatus belonging to the Department; to purchase all necessary supplies, and to contract in the name of the City for new houses and apparatus; providing that for all contracts exceeding three hundred dollars in amount, the approval of the City Councils shall first be obtained, and all supplies shall be advertised for, as now provided by law, and contracts therefor awarded to the lowest and best bidder, who shall furnish security for their performance.

Mar. 31, 1894
Id. § 5. C. 161

Power to make repairs, purchase supplies and award contracts not exceeding \$300.

The said Board shall annually certify to the City Controller the amount necessary to be levied for the support of the Department during the ensuing year, and shall have no power to incur any liability on behalf of the City of Erie beyond the amount levied and appropriated to their order by the City Councils; and the purchase of any additional ground, or engine, or the erection of any new engine house, or the increase of the number of companies or men, shall be made only with the consent of the City Councils. All claims on account of the Fire Department shall be approved by the Board, and certified to the City Councils, who shall in their discretion, direct their payment as in case of other bills against the City.

Annual requisition to City Controller; Limitations of authority; claims.

32. The said Board of Commissioners shall have power to appoint all officers and men employed in or connected with the Fire Department, said officers and men to hold their respective positions during the pleasure of the Board of Fire Commissioners. (a)

Id. § 6.

Empowered to appoint and dismiss all officers and employees of Department.

33. The Commissioners appointed under the provisions of this ordinance shall serve without compensation.

Id. § 7.

Shall serve without compensation.

34. All ordinances conflicting with the provisions of this one are repealed only so far as inconsistent with the same.

Id. § 8.

35. That the regular paid employees of the Fire Department, commencing with the present year, shall be entitled each and every year, to a ten days' leave of absence, without deduction of pay.

Repeal. Ord. 357. Sept. 4, 1893 § 1. D 167

10 days' vacation annually.

36. The Board of Fire Commissioners shall dictate the date of such furlough, and make such rules and regulations relating thereto as they deem necessary.

Id. § 2.

Commissioners to designate dates and rules.

37. That all permits for the moving of buildings in the City of Erie shall hereafter be issued by the Commissioners of the Fire Department (b); but the rules and regulations of the City of Erie now in force, except so far as changed herein, shall continue in force, provided that before the issuing of a permit for the moving of a building, in addition to giving bond as now required, the party applying for a permit shall deposit with the Fire Commissioners a sum of money sufficient, in their opinion, to pay the expense incurred in procuring parties to look after the wires of the fire alarm and properly protecting them from injury. (b)

Ord. 121. Aug. 12, 1894. § 1. C. 176.

Permits to move buildings.

Deposit for expenses.

(a) For suspension from duty and filling vacancies in the Fire Department,

see rules Fire Department, 63-65.

(b) See "Buildings," par. 82, 83, 91, 92.

Aug. 12, 1884
Id. § 2.

Supervision
of erection,
etc., of build-
ings in fire
limits.

Id. § 3.

No veneered
buildings to
be erected in
fire limits ex-
cept for
dwellings
and private
barns.

Ord. 99.
Jan. 2, 1884.
C. 139.

Fiscal year
of Depart-
ment.

Ord. 2525.
May 23, 1905.
§ 1. J. 103.

Salary of
Chief.

Ord. 2210.
July 17, 1903.
§ 1. I. 296.

Salary of
Assistant
Chief.

Ord. 2184.
May 26, 1903.
§ 1. I. 275.

Salaries
of regular
Firemen,
Captains and
Engineers.

Ord. 2259.
Jan. 13, 1904.
§ 1. I. 336.

Salaries of
Minute Men

38. Said Commissioners are also invested with authority and it is truly made their duty to supervise the erection, construction and repair of all buildings within the fire district of the City of Erie, and cause the same to be erected, constructed and repaired in accordance with the ordinances of the City of Erie, and said Commissioners shall see that all violations of the ordinances are promptly prosecuted. (a)

39. Hereafter no veneered buildings shall be permitted to be erected in the fire district of the City of Erie, except when to be used exclusively as dwelling houses or private barns; all outside walls of all buildings, whether party walls or not, shall be built in the same manner as party walls are now required to be built. (b)

40. That the fiscal year of the Fire Department shall hereafter commence the first day of January of each and every year. (c)

41. That from and after the passage of this ordinance the salary of the Chief of the Fire Department of the City of Erie shall be two thousand dollars (\$2,000) per annum, payable monthly.

42. That from and after the passage of this ordinance the salary of the Assistant Chief of the Fire Department shall be and the same is hereby fixed at the sum of thirteen hundred dollars (\$1,300) per annum, payable in monthly installments.

43. That from and after the passage of this ordinance the salary of each regular, permanently employed, fireman in the Erie Fire Department shall be seventy dollars (\$70) per month; the salary of each captain of said Fire Department shall be seventy-five dollars (\$75) per month; and the salary of each engineer employed as such in said Department shall be eighty-five dollars (\$85) per month.

44. That from and after the passage of this ordinance the salary of each of the minute men of the Erie Fire Department shall be, and the same is hereby fixed, at three hundred dollars

(\$300) per annum, payable monthly, and the salary of each

RULES AND REGULATIONS

OF THE FIRE DEPARTMENT OF THE CITY OF ERIE, PENN'A., ADOPTED BY
THE BOARD OF FIRE COMMISSIONERS MAY 2, 1894.

SIGNALS.

The following signals are to be used in going to or from a fire, or at a fire, and are given by fire hat in the daytime and with lantern at night:

Play Away.—Raise the hand above the head, displaying hat or lantern; move it from right to left; continue the movement until recognized. This signal will be used on the streets when apparatus is wanted to come on.

Shut Down.—Raise the hand above the head, displaying hat or lantern; move it up and down; continue the movement until recognized. This signal will be used on the streets to stop apparatus.

Take Up.—Raise the hand above the head, displaying hat or lantern; swing around in circle in front of the body; continue the movement until recognized. This signal will be used on the streets to send apparatus home.

Out of Coal.—Three short and one long blast on whistle.

Lanterns.—Chief's lantern to be red and white; Assistant Chief's to be green and white, or blue and white.

At a regular meeting of the Board of Fire Commissioners, held on the 2nd day of May, 1894, the following rules and regulations for the government of the Fire Department were agreed upon and adopted, and are in words and figures as follows, to-wit:

The Fire Department of the City of Erie, Pa., shall, in addition to and in conformity with the powers and duties prescribed by the laws of the State of Pennsylvania, the charter of said city, and the orders and ordinances authorized by and passed under said charter, be governed by the following Rules and Regulations.

RULES.

APPLICATIONS FOR AND APPOINTMENTS TO MEMBERSHIP.

NOTE.—Rules 1 and 2, designating the manner of making applications for, and appointments to, membership in the Fire Department are supplied by rules [170] to [178] inclusive, adopted by the Board of Fire Commissioners March 15th, 1895. See page 163.

UNIFORMED FORCE.

3. The uniformed force of the Fire Department shall consist of one Chief, and as many Assistant Chiefs, Captains (taking precedence in authority and command in the order named), Engineer of Steamers, Assistant Engineers of Steamers and Firemen, as the Board of Fire Commissioners may from time to time designate. Other employes of the Department shall not belong to the uniformed force, but shall be governed by the herein described rule as far as practicable, and any violations of which shall be deemed grounds for dismissal.

DUTIES OF THE UNIFORMED FIREMEN.

4. It shall be the duty of every officer and member of the uniformed force of this Department to devote his entire time to its services.

5. Attend all fires or alarms at stations to which he is assigned, detailed or may be called.

6. Ride on apparatus going to or returning from fires or alarms, unless otherwise directed by the commanding officer.

7. Exert his greatest energy and best ability to do his full duty under any and all circumstances.

8. Answer all alarms for fire, unless excused by an officer having power to do so.

9. In no case shall fatigue from duty at a previous fire be accepted as an excuse for failure to answer an alarm.

10. Conform to, promptly and cheerfully obey all laws, ordinances, rules, resolutions, regulations and orders, whether general, special or verbal, for the government of the Department or individuals.

11. Be strictly on time to the minute.

12. Obedience must be prompt, implicit, unqualified and unequivocal.

13. In case of failure on the part of any newly appointed fireman to report at the time named in his order of appointment, special report of such failure shall be made to the Board by the commanding officer.

14. Be censured for any want of judgment, skill, neglect or failure which may cause unnecessary loss of life, limb or property.

15. Promptly cause all persons in danger in the burning building or adjoining premises to be removed therefrom, with the least possible injury to life or limb.

16. Endeavor to detect incendiaries in cases of fire of suspicious origin, always and without delay notifying the proper authorities or make arrest.

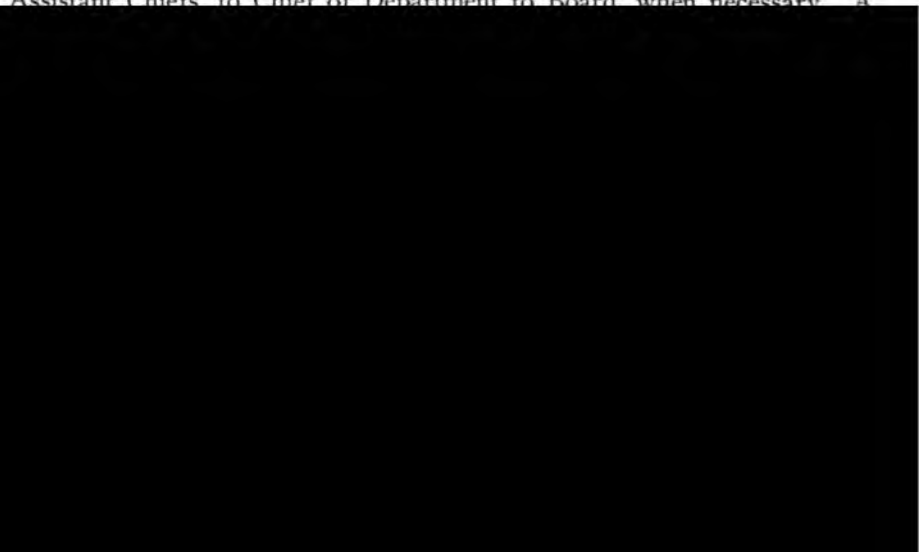
17. Avoid publicly expressing opinion on the case or its circumstances; act quietly and carefully with a view to obtaining proper and reliable evidence in every case, and prevent the removal or unnecessary disturbance of articles of a suspicious nature, except by direction of the proper authorities.

18. Endeavor to detect and obtain evidence to convict persons bringing or sending false alarms for fire.

19. Carefully protect from waste or abuse all public property, particularly gas, horse feed, forage, fuel in quarters and at fires.

20. Read and become familiar with laws, ordinances, regulations and orders relating to the Department, and be permitted at all proper times to peruse them.

21. Send, or cause to be sent, all official communications through the regular channels, which is through commanding officers of companies, to Assistant Chiefs, to Chief of Department to Board, when necessary. A



direct or immediate influence or sickness caused or produced by the use of such beverages, liquors or compounds.

29. Not be guilty of immoral or improper conduct.

30. Not engage in altercations under any circumstances.

31. Not be guilty of conduct unbecoming a member or a gentleman, or of conduct in any manner prejudicial to the good reputation, order, or discipline of the Department.

32. Not be a delegate or representative to, or a member of any political or partisan convention, whose purpose is the nomination of a candidate for any political office, and any member found using his influence to defeat legislation in Councils shall be dismissed from the Department at once.

33. Not be guilty of deception or evasion of any law, ordinance, rule, regulation or order, general, special or verbal.

34. Not be guilty of cowardice, nor shrink from any duty.

35. Not unnecessarily disturb men asleep in dormitory.

36. Nor directly, or indirectly, in any manner, nor for any purpose, invite, solicit, suggest or request contributions or donations, nor engage to take part in any scheme or enterprise intended, or likely to induce, or influence any person to purchase tickets for fairs, concerts, lectures, exhibitions, theatrical performances, picnics, excursions, balls, festivals, or entertainments of any kind; nor to make presents or gifts in money or goods of any description, without the official sanction of the Board expressed in writing.

RESIGNATIONS.

37. Give at least fifteen (15) days' notice of intended resignation and promptly report any change of residence. If not done back pay will be forfeited.

PROMOTIONS.

38. Application for transfer in the uniformed force must be made in the handwriting and over the signature of applicant, stating fully and truly the necessity therefor, and forwarded through regular channels to the Board, with approval or disapproval of intermediate officers and reasons therefor endorsed thereon.

39. Any officer or member of the uniformed force who shall directly or indirectly, solicit the influence or intercession of any person or persons with the Commissioners, or either of them, to effect his transfer, shall be guilty of a violation of this rule, and be punished by fine or dismissed from the service as the Board may determine.

40. Applications for promotion must be made in the handwriting and over the signature of applicant, setting forth the length of his service in the various positions held in the Department, and his qualifications for the position to which he desires promotion; be addressed to the Board and forwarded through the intermediate commanders for endorsement by them; and such application shall thereupon be acted upon by the Board. An applicant for promotion failing to pass the required examination shall be debarred the privilege of a re-examination for six (6) months.

DUTIES AND CONDUCT OF OFFICERS.

41. Officers shall see that the premises in which the fire occurred are left in such condition that it will not cause further damage to life or property.

42. Officers shall be just, dignified and firm in their intercourse with subordinates, being careful to abstain from violent, abusive or immoderate language in giving orders and directions, as well as in conversation

with them; see that all rules and orders are strictly carried out and obeyed, and promptly report by well-sustained charges any transgression of law, ordinance, rules, or orders.

43. Company officers shall require the house watch to enter on the daily journal all transactions of whatever nature connected with the Department which may transpire at their respective stations.

COMPANY JOURNALS.

44. It is intended that the company journal should be in itself an accurate and complete history of the operations and doings of each company for each day; the regular and special duty performed by its individual officers and members, as well as that performed by the company collectively; delinquencies of officers and members; orders received and given, whether verbal or otherwise; collisions, accidents to men, horses or apparatus, and cause thereof; unusual occurrences of all kinds; the receipt of supplies, horses, forage, fuel, apparatus, hose, etc., specifying quantity and kind of each; the result of each drill for instruction or practice, stating time consumed in each particular operation; short excuses from quarters for absolutely necessary purposes, and everything in any manner pertaining to the administration of the company or the interests of the Department, should all therefore be carefully noted.

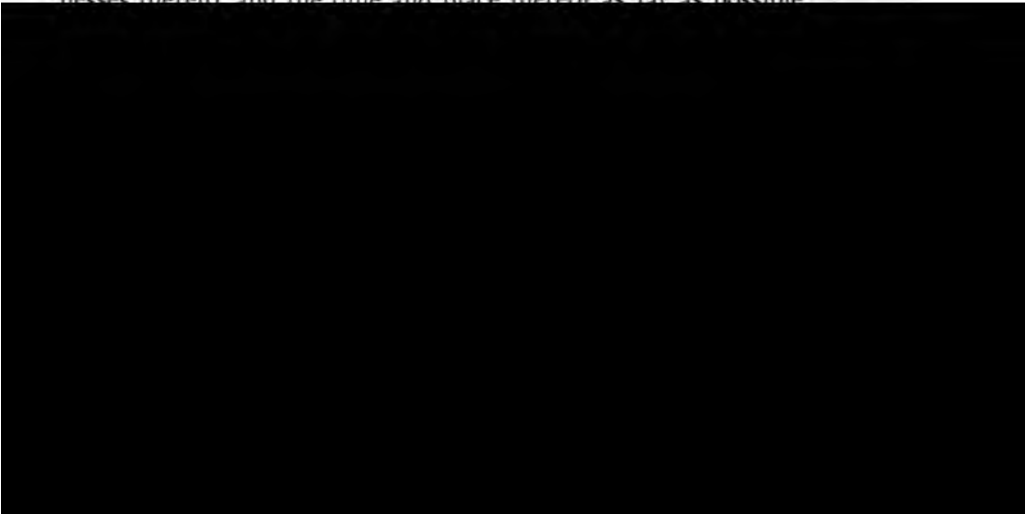
45. Neglect of the house watch to make entries in journal as directed by commanding officer, or as required by rules and regulations, or to make proper entry of any absence from quarters on the part of either officers or men, will be punished as the Board may see proper in their judgment to inflict.

REGULATIONS TO BE OBSERVED.

46. House watch upon receiving an alarm shall distinctly and immediately announce box and location.

47. Members shall make themselves acquainted with the location of the reservoirs, hydrants and fire alarm boxes.

48. When any member knows of the violation of any of these rules and regulations, and when it is not herein made his duty to prefer charges in prescribed form, he shall report the same to his company officer, Chief or Assistant Chief, giving the names of the parties and witnesses thereto, and the time and place thereof as far as possible.



56. The doors of the houses belonging to the Department shall be closed at 9 o'clock in the evening and on the the Sabbath day, unless otherwise permitted by the Board of Fire Commissioners. They may be open on week days, but members will in no case be allowed to occupy the sidewalks.

57. Every member of the Department shall remain on duty on the Fourth of July, and on every election day, and no leave of absence shall be granted on those days, except by especial permission of the Board.

CHIEF.

58. It shall be the duty of the Chief to have command and management of all the members and substitutes in the service of the Department.

59. Extinguish all fires with the least possible damage to life and property, and prevent unnecessary damage by water.

60. Make official report to the Board at their next meeting of his action and of that of the officers and members under his command on the forms provided for that purpose.

61. Have power, and it shall be his duty, to demolish buildings and parts of buildings which in his judgment may cause further damage to life or property, or which in his judgment it may be necessary to demolish to prevent the spread of fire.

62. Promptly report to the Board any officer or member of the Department who, by reason of age, disease, accident, or other incompetency, does not or cannot fully, energetically, promptly and properly perform full duty.

63. Have power, and it shall be his duty, to summarily suspend from duty any person under his command for a violation of law, ordinance, rule, regulation, or direction in all cases where the interest of the people or the reputation of the Department would suffer, if such prompt action should not be taken.

64. He may obtain leave of absence from duty with the consent of not less than two of the Commissioners; said leave of absence to be recorded in the journal at headquarters.

65. He may, from the list of active substitutes furnished him by the Board, substitute any men needed for the service, to fill vacancies caused by reason of absence, suspension, discharge, resignation or death, and report same to the Board at its next meeting; and that all applications which shall be presented to the Board for membership, either as a call or regular, shall have the endorsement of the Chief thereon in the nature of a recommendation to the Board, that the person applying is capable to perform fire duty, etc.

66. He shall examine into the condition of the apparatus, buildings and other property belonging to the Department as often as may be necessary, or whenever directed by the Board, and make a monthly statement thereof.

67. He may grant special leaves of absence to members of the Department, not to exceed five (5) days, and in such manner as shall not be detrimental to the interests of the Department.

68. He shall, in writing, submit the resignation of any member of the Department, or notice thereof, and transmit all reports and communications of the Department with his endorsement to the Board of Fire Commissioners at its next meeting.

69. He shall on all occasions see that the laws of the State and the ordinances of the City applicable to the Fire Department are faithfully

observed, and all orders of the Board in that regard he shall promulgate and enforce.

70. He shall report to Water Commissioners in writing immediately whenever it comes to his notice of any defects in hydrants, water pipe, etc.

71. He shall inspect all important manufacturing establishments and public buildings at least four times each year, and report the results of such inspection to the Commissioners in writing.

72. He shall see that all laws, ordinances, rules, regulations, orders and directions for the government of the Department are promptly, cheerfully and implicitly obeyed, and that all derelictions and transgressions that may come to his knowledge are promptly investigated and reported to the Board by proper and well sustained charges.

ASSISTANT CHIEF.

73. The Assistant Chief Engineer for the purposes of the Department shall be known and designated as Assistant Chief of Department.

74. It shall be the duty of the Assistant Chief of Department to attend all fires within a district prescribed by the Board of Fire Commissioners, and take command of the Department and perform the duties of Chief during the absence of the Chief of Department.

75. He shall have charge of the Department storeroom and deliver supplies on all requisitions passed on by the Board of Fire Commissioners and approved by the Chief.

76. He shall also perform such other duties as the Board of Fire Commissioners may prescribe.


CAPTAINS.

It shall be the duty of Captains to strictly obey and conform to the following rules:

77. Have absolute command and control of their companies, and members of such shall obey their orders implicitly.

78. Shall keep a journal, in which daily entries shall be made by the house watch of all transactions of whatever nature connected with the Department which may transpire at their respective stations.

79. Assume command at fires when they are first to arrive, and exer-



85. Preserve order and strict discipline in and about quarters and at fires.

86. Always have in quarters and with company one engineer or assistant engineer of steamer, and such other officers and members as may be sufficient to properly perform any required duty.

87. Politely escort visitors and make proper explanation to them, but not allow habitual lounging or visiting in or about quarters.

88. Not permit parties or other assemblages in quarters without permission of the Board.

89. Be responsible for the cleanliness and order of the company quarters.

90. See that beds are not used between the hours of 7:30 a. m. and 8 p. m., except when fatigue from night duty makes it necessary.

91. Keep the sidewalk and gutter in front of station clear and free from snow and ice or other incumbrances.

92. Familiarize themselves with all buildings in their districts, and in case of fire promptly report any dangerous buildings to the officer in command.

93. Cause all horses to be taught and practiced to quickly take their places at the pole and shafts on the sound of the gong while being exercised, and see that drivers and others do their full duty to the horses under any and all circumstances.

94. Report such buildings that are from any cause in violation of law or ordinance.

95. Be responsible for all public property in their care, and see that it is in proper order for prompt and immediate use.

96. State in detail when forwarding orders for repairs to apparatus, harness or other articles exactly what repairs are needed.

97. They shall make monthly time roll to the Board, and monthly classified report to the Chief, for each day of the month (promptly), upon blanks furnished by the Department.

98. They shall promptly report in writing to the Chief any incapacity, inefficiency, neglect of duty, disobedience of orders, or the violation of any rule, regulation or order of the Board or Chief, in which report they shall state the name of the offender, time and place of the offense, and its nature briefly, and the names of the persons by whom such facts in the case may be proven.

99. They shall perform such other duties as may from time to time be imposed on them by the Board or superior officers.

100. They shall not allow the apparatus to leave the station (except upon special orders) until an alarm has been received or given from or to the proper source.

101. Company officers must invariably report violation of rules or regulations.

ENGINEERS.

102. Each Engineer, under the direction of his Chief, shall have the care and management of the engine.

103. He must see that it is always kept in good order and ready for immediate use.

104. He will be held responsible for its condition in the house and at fires.

105. He shall make such repairs upon his engine, in the engine house or elsewhere, and shall aid in the examination and repairs of other engines in the Department, when so ordered by the Board.

106. He shall direct and superintend the Assistant Engineer as to his duties upon and about the engine, and shall from time to time give him all the practical instruction possible, and shall inform the Chief whenever he is in need of any material or repairs.

107. Engines must be turned over each day at 9 o'clock a. m. and placed on a different center; oil holes of bearings and working parts must be clear of all accumulations and all stuffing boxes kept properly packed.

DUTY OF ASSISTANT ENGINEER.

108. It shall be the duty of the Assistant Engineer to keep the engine clean, and at all times when in the house have the proper amount and quality of fuel constantly on hand and the fire box supplied ready for immediate firing. He shall practice under instructions given by the Engineer, become acquainted with the workings of the engine, and as soon as possible qualify himself to take charge and work the same.

BILL OF DRESS FOR UNIFORMED FORCE.—FIRE HAT.

109. *For Chief of Department.*—A white leather cap with eight cones, having a gilded leather front depending from a gilt eagle head and attached to the front of the cap with insignia of his rank painted upon it in black, shaded with red, and above the word "Chief" in black letters, shaded with red, upon a scroll of gold.

110. *For Assistant Chief of Department.*—Same as for Chief, with the insignia of his rank above the words "Assistant Chief."

111. *For Chiefs of Battalion.*—Same as for the Chief, with the insignia of their rank above the words "Chief (of such a) Battalion," the number of the Battalion being indicated by a large figure.

112. *For Officers of Engine Companies.*—Same as for the Chief of Department, except that it will be of black leather and have a white patent-leather stitched front, with the number of the company cut out of it near the bottom, in plain block figures on a back-ground of black patent leather (three and one-half inches long, if it be a single figure, and two and one-half inches long if it be a double figure), and with the insignia of rank above it in gold, shaded with red.

113. *For Officers of the Hook and Ladder Companies.*—Same as for



inches, and quarters one and three-quarter inches high, stiffened with hair-cloth sewed into the seam of top and quarters; the top to have a small hole for ventilation in the center, and to be lined with red silk; a narrow welt around the bottom of band and top seam of cap; the inner band to be of strong, serviceable leather; the visor to be plain, solid black patent leather, two inches wide, with rounded corners; the chin strap of black patent leather, one-half inches wide, with slides of the same material fastened to the cap on each side with a small regulation button, the insignia of rank as prescribed to be placed on the quarters in center of the front, the lower points resting nearly on the upper end of the band.

118. *For Assistant Chief of Department, Chiefs of Battalion and Company Officers.*—Same as for the Chief Engineer, except the insignia of rank.

119. *For Engineers of Steamers.*—Same as for company officers, omitting the insignia of rank and substituting therefor a white metal badge, same as other members.

120. *For all other members.*—Same as for company officers, omitting the insignia of rank and substituting therefor a white metal badge with member's number thereon.

HATS FOR SUMMER WEAR.

121. *For all Officers.*—Of white Mackinaw braided straw, sides about three and one-half inches high, slightly tapering to crown, with black ribbed silk ribbon band one and three-quarter inches wide, tied in a single bow-knot on the left side, brim about two and one-quarter inches wide; the sweat band to be of leather, about two inches wide, and the inside of the hat to be lined with gauze.

122. *For all Other Members.*—Of brown Mackinaw straw, sides about three and one-half inches high, slightly tapering to crown, with black ribbed silk ribbon band one and three-quarters of an inch wide, tied in single bow-knot on left side; brim about two and one-quarter inches wide, the sweat band to be of leather, about one and one-half inches wide; the bottom of crown to be lined. The registered number in figures of German silver, five-eighths of an inch long, fastened on a strip of black patent leather to be sewed on the front of the band.

COAT.

123. *For the Chief of the Department.*—A double-breasted, close-fitting sack coat made of dark blue cloth, pure indigo dye, weighing not less than twenty-four ounces to the yard, cut to button close to the neck with rolling collar, and to reach a point midway between the hip joint and the bend of the knee. To have eight medium-sized regulation buttons on each breast, grouped in pairs; the cuffs to be made to fit the wrist and to be closed with three small regulation buttons; to have a pocket on the inside of each breast, the sleeves to be cut so as to be conveniently worn inside of the overcoat, the coat to be lined with red cloth or flannel and the sleeves with linen. The prescribed insignia of rank to be placed in the end of collar on each side.

124. *For Assistant Chief of Department and Chiefs of Battalions.*—Same as for the Chief of Department, except that the buttons will be placed equi-distant.

125. *For the Company Officers.*—Same as for the Chief Engineer, except that the buttons will be seven in number on each breast, placed equi-distant.

126. *For Engineers of Steamer and all other Members.*—Same as for company officers, except that it will be single-breasted and will have six buttons.

127. *For Summer Wear.*—A light coat will be worn made of dark blue flannel, indigo dye, weighing not less than sixteen ounces to the yard, and in all other respects as above prescribed, for the various grades, but without lining.

OVERCOAT.

128. *For Chief of Department.*—A double-breasted frock coat with rolling collar with lapped seams; of best dark blue pilot cloth, pure indigo dye; weighing not less than twenty-eight ounces to the yard; in length to reach the knee; to button up close to the neck with eight large regulation buttons on each breast, grouped in pairs, three on each skirt behind and three of small size on each sleeve at the cuff; the skirt to be open behind; no outside pocket but one inside pocket on each breast; the skirts and back to be lined with red cloth or flannel, the sleeves to fit snugly at wrist and to be lined with linen.

129. *For all Other Officers and Members.* Same as for the Chief of Department except that there shall be five regulation buttons on each breast, placed equi-distant.

VEST.

130. *For all Officers and Members.*—A single-breasted vest made of the same material as the coat, without a collar, and to button with six small regulation buttons to within five inches of the neck band.

131. *For Summer Wear.*—A vest may be worn of light cloth or flannel, dark blue, indigo dye, and in all other respects as above described.

TROUSERS.

132. *For all Officers and Members.*—To be made of the same material as the coat, with lap seams; to be cut to fit close around the waist, but loosely around the hams and legs to admit of their free use.

133. *For Winter and Summer Wear.*—Trousers may be made of a heavier or lighter material of the same color and dye, in the manner above prescribed.

Department, except that there shall be three trumpets, measuring one and one-half inches each, crossed with bells downward.

141. *For Chiefs of Battalion.*—Same as for the Assistant Chief of Department, except that there shall be two trumpets crossed with bells downward.

142. *For Foremen of Engine Companies.*—Same as for the Chiefs of Battalion, except that the trumpets are to be parallel, with the bells downward and close together. The insignia for the cap is to have the number of the company in raised figures midway between the trumpets, which are to be placed three-eighths of an inch between bells.

143. *For Foremen of Hook and Ladder Companies.*—Shall be two upright axes with their blades facing each other. The insignia for the cap is to have the number of the company in raised figures midway between the axe helms, which are to be placed three-eighths of an inch between helms.

144. *For Assistant Foremen of Engine Companies.*—Same as for Foremen, except that there will be only one trumpet. The insignia for the cap is to have the trumpet placed horizontally, the bell to the left and the number of the company above the center.

145. *For Assistant Foremen of Hook and Ladder Companies.*—Same as for Foremen, except there will be only one axe. The insignia for the cap is to have the axe and helve placed horizontally, the blade to the left and the number of the company above the center.

COAT BADGE.

146. *For Engineers of Steamer.*—Same as for fatigue cap, to be fastened with a pin and improved catch.

147. *For Firemen.*—Same as for fatigue cap, to be fastened with a pin and improved catch.

148. The coat badge shall be worn on the left breast at the level of the second button from the top midway between the center of the body and the side, when worn on the coat, and an inch to the left of the left row of buttons on the overcoat.

149. *Theater Detail Badge.*—For officers and members detailed to theaters and places of amusement: A white metal oval, two and five-eighths inches long and two inches high in the center, surrounded with an ornamental border with the words "Theater Detail" in blue enameled letters on raised ribbon at the top, the registered number on small raised oval in center, and the words "Fire Department" in raised letters below. To be fastened with a pin and improved catch.

BUTTONS.

150. The buttons shall consist of the regulation button as adopted by the Board of Fire Commissioners.

FURNISHING AND INSPECTION OF UNIFORMS.

151. The several parts of the equipment and uniform as prescribed are obtained and held subject to the following rules:

152. The Assistant Chief of Department shall inspect all uniforms, or parts of uniforms before they are worn, reject all found not in conformity to the provisions of these regulations, and may brand such as are found to conform thereto, with the year in which they were inspected, as follows:

153. Coats under the collar and on the inside of each coat sleeve. Trousers on the front of the waistband and fatigue caps on the sweat

band, and they shall keep a record in convenient form for reference of all such inspections.

154. The buttons, cap badges, insignia of rank, hat numbers with leather strips, coat badges, belts and hose spanners, are furnished by the Department without expense to the officers and members.

155. All the remaining parts of uniform as prescribed, must be procured by each individual officer and member at his own expense.

156. Hose spanners will be carried on the company property returns, and issued by the several company commanders to the members for whom they are prescribed, who will return them to their commanding officer in case of leaving the company.

WHEN UNIFORM OR PART THEREOF TO BE WORN.

157. The uniform as prescribed shall be worn as follows:

158. *On House Watch from 8 O'clock A. M. to 8 O'clock P. M.*—The uniform coat, trousers, shirt (vest and cravat optional), fatigue hat or cap, badge pinned on the left breast.

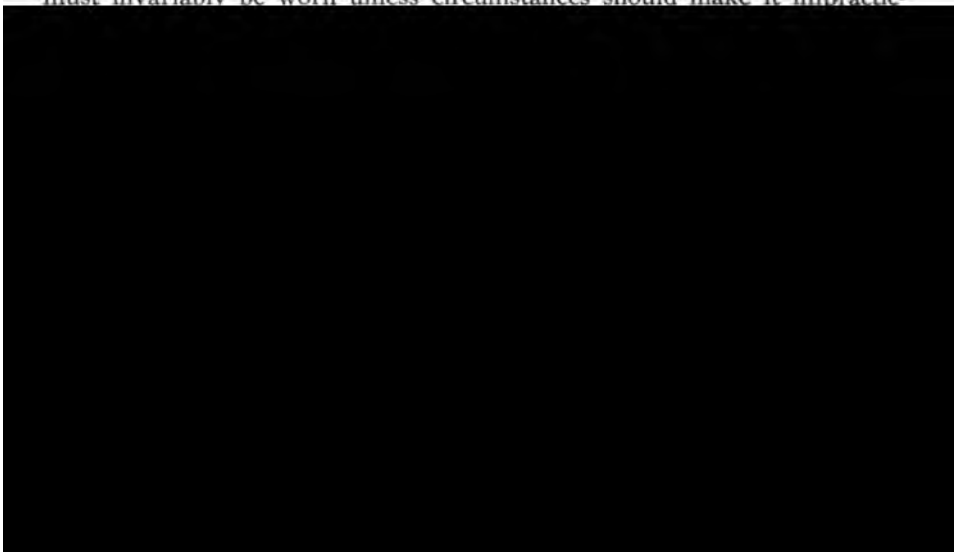
159. *At 10 O'clock A. M. Roll Call.*—The same as when on House Watch.

160. *In Apparatus Room, Not on House Watch or Other Special Duty.*—The uniform coat, trousers and shirt (vest and cravat optional), will always be worn, except while at work cleaning the apparatus, horses, quarters, etc., when old clothing may be worn. The purpose of this regulation is, that the officers and members of this Department may at all times, except when in the performance of necessary labor in quarters, appear in proper dress.

161. *In all Other Parts of Quarters.*—When not on House Watch or special duty or on the apparatus floor, the uniform may be dispensed with.

162. *Outside of Quarters.*—The fatigue hat or cap, uniform coat (overcoat in cold weather, vest and cravat optional), trousers and shirt, and when on Department business, the coat badge pinned on outer garment over the left breast; except on rubber coat.

163. *At Fires.*—The fire-cap and overcoat or waterproof clothing must invariably be worn unless circumstances should make it impractic-



keeping, proper use and safe return of the articles enumerated, and shall not loan to any person, whether in or out of the Department, or used for any but the legitimate purposes of the same, under penalty of such punishment of the Board may inflict, and they are liable to the following penalties for the loss of either of them, which loss will be promptly reported to the Board by the commanding officer.

- For the loss of a cap badge, five dollars.
- For the loss of a coat badge, five dollars.
- For the loss of a theater detail badge, five dollars.
- For the loss of an insignia of rank, five dollars.
- For the loss of a fire alarm key, one dollar.
- For the loss of a belt, one dollar.
- For the loss of a hose spanner, twenty-five cents.

RULES FOR THE GOVERNMENT OF THE "MINUTE MEN."

[169.] Minute men, when not sleeping in their respective houses, shall report to their respective foremen between the hours of 8 a. m. and 10 p. m. daily.

No minute man shall send a substitute without giving notice to his foreman of such intention and obtaining permission.

No person shall be eligible as a minute man or substitute who is not eligible to a position as fireman of this Department.

Every minute man employing a substitute shall be responsible to the Department for the acts of said substitute in obedience to the rules of this Department.

Every minute man attending an alarm of fire shall report, on his arrival, to his foreman, and remain on duty until the fire is extinguished, and the foreman authorizes him to leave.

In case of disobedience or absence the same shall at once be reported to this Board.

For absence from one alarm the penalty shall be two dollars, and for the second absence in any one month the penalty shall be five dollars. Three absences in one month shall render the offender liable to suspension or discharge, with loss of pay for the current month.

Minute men shall at fires wear the Department fire hats, and at all times wear the Department badge.

Minute men sleeping in the houses of the Department must be in their respective houses not later than 11 o'clock.

Amended Rules and Applications. (a)

PROVIDING FOR THE ASCERTAINING OF THE COMPARATIVE FITNESS OF ALL APPLICANTS FOR APPOINTMENT AND PROMOTION IN THE FIRE DEPARTMENT OF THE CITY OF ERIE.

[170.] Hereafter, to become a member of the Fire Department, applicants must receive the appointment of Cadets and serve on probation under the same rules and regulations as minute men, and upon a vacancy or the appointment of regular occurs and the record of the Cadet is favorable, he shall be appointed a regular man of the Department.

APPLICATIONS.

[171.] All applications shall be made on forms issued by the Depart-

(a.) Adopted by the Board of Fire Commissioners March 15, 1895.

ment, and addressed to the Chief, who shall refer the same to the Health Officer, who shall examine the applicant as to his physical condition—said examination to be made upon the blank form issued by the Chief—and if said officer shall certify that said applicant is sound in limb and body, able-bodied, of a robust constitution, good eye-sight, good hearing, and in his opinion physically qualified to sustain the labors and exposure and perform the duties of a fireman, the examination shall be referred to the Examining Boards, which shall be two, Mental and Physical.

EXAMINING BOARDS.

[172.] The Mental Board shall consist of the President, Chief and Secretary of the Board.

The Physical Board shall consist of the President, the Chief, the Health Officer and a physician who shall be appointed by the President.

The Chief shall designate the time for examinations.

The mental examination shall be the following:

- A. Reading from print and manuscript.
- B. Handwriting as shown by copying from manuscript.
- C. Writing from dictation.
- D. Arithmetic, addition, subtraction, multiplication and division, applied to whole numbers.
- E. Practical questions.

CADETS.

[173.] Cadets shall be under the supervision of the proper officers and subject to the same rules as minute men.

Hereafter all persons appointed Cadets shall possess the following qualifications:

1. No person shall be appointed a Cadet who is not a citizen of the United States, and shall have been a resident of Erie, Pa., for at least one year, or who has been convicted of crime, or who cannot read and write the English language understandingly.

2. They shall not be less than 5 feet 7 inches in height, or of weight and circumference below that marked as minimum in the following table:

Height		Weight in	Circumference of Chest
Feet	Inches	Pounds	in Inches

To be accepted in either the medical or physical examination, candidates must receive a rating of at least 75 per cent in each, and in the mental examination at least 70 per cent.

In addition to the above requirements and examination, the Chief may make further inquiries as to the moral character of the applicants, and report if anything derogatory to their character is discovered.

As soon as the Cadet has been appointed a regular man he shall subscribe to the following:

"You solemnly swear that you will support the Constitution of the United States and the State of Pennsylvania, the laws and ordinances of the City of Erie, and obey the rules, regulations and orders of the Erie Fire Department, and will discharge the duties of your office according to the best of your knowledge and ability, so help your God."

[174.] For the position of Engineer or Assistant Engineer the Board of Examination will consist of the President and the Chief.

[175.] In case of the inability of any member of the various Examining Boards to serve, the temporary vacancy shall be filled by the President by appointment.

[176.] Applications for promotions must be made in handwriting and over the signature of the applicant, setting forth the length of service in the various positions held; be addressed to the Chief and forwarded through the proper channels, and then referred to the Examining Board.

[177.] Every candidate who has passed the examination required shall be marked with a number, which, with the percentage of his rating, shall be entered in a book to be kept for that purpose, and candidates shall be selected from these lists.

[178.] The President of Fire Commissioners reserves the right to require all candidates whose names have remained on the various lists for a period of over one year to undergo a new examination, also to promote for meritorious conduct.

[179.] The Chief of Fire Department shall see that the apparatus of the Department is at all times kept in repair and ready for immediate use. For this purpose he shall have authority, in all cases in which any engine, or any of the apparatus belonging to the Fire Department, or the fire alarm telegraph shall be in want of immediate repairs, to cause such repairs to be made when the cost of any such repairs shall not exceed the sum of one hundred and fifty dollars (\$150). This rule was adopted January 26th, 1906.

Fire Department Relief Association.

1. Appropriation to Erie Fire Department Relief Association.
2. How to be paid

Ord. 1334.
April 3, 1897.
§ 1. G. 373.

Appropriation to Erie Fire Department Relief Association.

Id. § 2.
How to be paid.

1. That all money received by the City of Erie through the State Treasurer of Pennsylvania, by reason of the tax on foreign insurance companies, as provided in the Supplemental Act of Assembly, approved on the 28th day of June, 1895, be and is hereby appropriated to the Erie Fire Department Relief Association. (a)

2. Upon the receipt of any money from said source, it shall be the duty of the City Treasurer of the City of Erie to notify the Board of Fire Commissioners of the amount thereof; which said Board shall thereafter draw such warrant as its rules may direct, upon the City Treasurer for the amount so received; said warrant to be payable to the Treasurer of the Erie Fire Department Relief Association, and the City Treasurer shall thereon pay out said money to said Treasurer of the Erie Fire Department Relief Association, and for said payment this ordinance shall be good and sufficient warrant.

(a) The "Erie Fire Department Relief Association" was chartered June 2, 1897. Its objects are the relief of sick and disabled members of the Erie Fire Department and providing pensions for members thereof, who may become incapacitated for service. The sick benefits are \$10.50 per week for the first ten weeks and \$5.25 per week for the next 42 weeks, after which, upon examination by the Society's physician, if the member be found to be permanently incapacitated for duty he is pensioned for life at the rate of \$200 per annum. The death benefits are \$500. The annual dues are \$4, membership is confined to and optional with, the members of the Fire Department.

penses amounting in the aggregate to \$4,514.34.

The assets, consisting of interest-bearing securities and cash in the treasury, amounted, in January, 1906, to \$18,510.79.

The officers serve without compensation, and are as follows:

President John J. McMahon, Vice President Michael J. Duermer; Secretary Wm. Carney; Treasurer Fred Stoltz; Directors: Fred Lord, Chas. Kaltenbach, Earl Beibel; John J. Schweitzer, Michael J. Cronin.

The association has been successful and its assets are constantly increasing. Through its operation in several cases much needed relief has already been

and including the north side of Twenty-first Street; French Street, from Second to Twelfth (a) Street; Holland Street, from Fifth to Sixth Street; Parade Street, from the south line of Fifth Street to a point one hundred and sixty-five (165) feet southwardly from the south line of Eighteenth Street; Sassafras Street, from Fifth Street to Twelfth Street; Second and Third Streets, from French to Peach Street; north side of Fourth Street, from French to Peach Street; south side of Fourth Street, from French Street, to a point 165 feet east of Sassafras Street; north side of Fifth Street, from Holland Street to a point 165 feet east of Sassafras Street; south side of Fifth Street, from Holland Street to Sassafras Street; Sixth Street, from Holland to Chestnut Street; north side of Eighth Street from Holland Street to Sassafras Street; south side of Eighth Street, from a point 165 feet west of Holland Street to Sassafras Street; Seventh Street, from French Street to Myrtle Street; Ninth, Tenth, Eleventh and Twelfth Streets, from French to Sassafras Streets; North and South Park Row and Turnpike Street. Each of said lots, or parts of lots, for the purposes contemplated by this ordinance, shall be deemed as extending back from the street line 165 feet, except on the west side of Peach between Fifteenth and Sixteenth Streets, where it extends back from said street 330 feet. (b)

2. Every building, or structure of any kind or description, hereafter made, constructed, or placed within the fire limits, as described in the foregoing section of this ordinance, or as the same may hereafter be established by the Mayor and Councils, shall be built of brick, stone, iron, or other incombustible materials. The roofs of all such buildings shall be covered with some fire-proof material; and the cornices and juts, except in case of dwellings, shall be constructed of fire-proof material. All wooden cornices on brick or stone buildings, except dwellings, and all wooden or shingle roofs, that shall hereafter require to be replaced, within said fire limits, shall be constructed of some non-combustible material, as required for new buildings; *provided*, that on the rear portions of lots, or parts of lots abutting on French, State and Peach Streets, north of Fourth Street; on French Street, south of Tenth Street; on State and Peach Streets, south of Eighteenth Street; on Second and Third Streets, between French and Peach Streets; and on Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Streets, west of Peach Street, private stables, not over twenty by thirty feet, in size, on the ground, and privies not exceeding ten feet square, may be constructed of wood, on condition that the roofs thereof shall be covered with some fire-proof material. (c)

Feb. 8, 1881.

Id. § 2.

Kind of material to be used in building in fire limits.

Exceptions as to private stables and privies in certain localities.

(a) By ordinance 1147 approved Nov. 15, 1895, G. 189, the fire limits were "extended in such manner as to include the east and west sides of French street from the north line of Twelfth street to the south line of Fourteenth street." This ordinance (No. 1147) contains no penal clause. *Quaere* as to whether the penalty prescribed in par. 6 will ap-

ply to ordinance 1147, and whether failure to include the district in subsequent enactments defining the fire limits does not operate as a repeal of ordinance 1147.

(b) So amended by ordinance 2592, approved Nov. 15, 1905, J. 158.

(c) See Title "Buildings" par. 15, 47, 50, 83.

Feb. 8, 1881
§ 3. A. 552.

Party walls shall be built equally upon the land of both owners.

Use by the next builder.

3. Party walls throughout shall be built equally upon the lands of the persons between whom the same are to be made. * * * When a party wall heretofore constructed shall be used by the next builder in the construction of a building, and shall be of less width or thickness than is required for new buildings by this ordinance, every such party wall shall be made to conform to the foregoing specifications, by said next builder. * * * *

Id. § 6.
A. 553.

Wooden buildings damaged by fire. Repair; when adjudged nuisances.

4. * * * *Provided* that any such building, [damaged by fire or other casualty] repaired or rebuilt, shall not be enlarged or increased beyond its original size. All wooden buildings erected, enlarged, or reconstructed in violation of the provisions of this ordinance, shall be adjudged as nuisances, and as such shall be subject to abatement or removal by order of the Councils, in like manner as other nuisances.

Id. § 8.

Building on street line.

Lines to be set out by City Engineer.

5. All persons about to erect a building in the City of Erie, designed to have one or more party walls, or to be built on the line of the street, shall make application to the City Engineer to have the lines of said party wall or walls set out, as also the street lines, if the building is to be built on the same; and any neglect or refusal so to do, shall subject the party or parties offending to the penalty or penalties imposed by the ninth section hereof.

Id. § 9.

Penalty.

6. Whoever shall violate any of the provisions of the second, third, or sixth sections of this ordinance, shall forfeit and pay a penalty of not less than \$50, nor more than \$100, and a further penalty of \$5 for each and every day such violation of the ordinance shall continue after suit shall have been brought for the recovery of said first named penalty; and whoever shall violate any of the provisions of the remaining sections of this ordinance, shall forfeit and pay a penalty of not less than \$50, and a further penalty of \$1 for each and every day such violation of the ordinance shall continue after suit shall have been brought for the recovery of said first named

within the harbor aforesaid, such person or persons so offending shall forfeit and pay, for the use of said city, a fine of not less than one hundred dollars and not exceeding five hundred dollars for each and every such offense, and suffer the seizure and confiscation to the use of said city of their said nets or seines; said fines to be collected as other fines and penalties are by law collected, and the said seizure and confiscation to the use of the city to be made by any person specially authorized by the Mayor or any Alderman of the city so to do. Feb. 25, 1874
penalty.

3. That no person or persons shall at any time sell or offer for sale in the City of Erie, any fish caught or killed in the bay or harbor of Erie, by any net, seine, weir or other device, save only hook and line. Ord. 877.
Sept. 28, 1891.
§ 1. E. 156.
Sale of fish
unlawfully
caught in
the bay.

4. Any person or persons violating the provisions of this ordinance, shall forfeit and pay a fine of twenty-five (\$25) dollars for the first offense, and fifty (\$50) dollars for the second and each subsequent offense; said fine to be recovered as debts and penalties of like amount are by law recoverable. (a) Id. § 2.
Penalty.

(a) Under ordinance 2362, approved July 7, 1904, J. 19, it is made the duty of the Harbor Master to enforce the

laws and ordinances against illegal fishing, see title "Docks and Harbor" for this ordinance.

Franchises.

[See Markets]

Bessemer & Lake Erie Railroad, formerly Pittsburgh, Shenango & Lake Erie Railroad

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|---|--|
| <ol style="list-style-type: none"> 1. P. S. & L. E. R. R. Co., authorized to lay tracks on 12th st. 2. Conditions. 3. 1st. Not to interfere with public travel; grade. 4. 2nd. Street improvements. 5. 3rd. Fence. 6. 4th. No transfer of franchise; consolidation. 7. Forfeiture of rights; no forfeiture without notice. 8. Damages; bond. 9. Forfeiture. 10. Joint use of lines. 11. Acceptance. 12. May assign to Erie Terminal Co.; lease. 13. Track extension across Sassafras street; grade; safety gates. 14. Damages; bond. 15. Erie Car Works' switch. | <ol style="list-style-type: none"> 16. To be laid under supervision of City Engineer. 17. Bond. 18. Effective only when bond is approved. 19. Revocable. 20. Griswold Mfg. Co. switch. 21. To be laid under supervision of City Engineer; removal. 22. Bond. 23. Effective only when bond is approved. 24. Revocable. 25. Track across 12th st. sidewalk; conditions. 26. City Engineer to supervise construction and maintenance; watchman. 27. Bond. 28. Time to go into operation. 29. Revocable. |
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1. That the Pittsburgh, Shenango & Lake Erie Railroad Company be and is hereby authorized and empowered to lay tracks on the streets of the City of Erie as follows, to-wit: Ord. 650.
April 4, 1891.
§ 1. E. 122.
P. S. & L.
E. R. R. Co.
authorized
to lay tracks
on 12th
street.
* * * * On the south thirty (30) feet of Twelfth Street, north of the curb of the roadway, as now established, from Cranberry Street eastwardly to west line of Sassafras Street, with the right at any points, so far as the city can grant it, to lay its tracks on private property adjoining any of said streets instead of on said streets. * * *

2. That the rights above granted are granted to said Company by the City of Erie upon conditions following, to-wit: Id. § 2.
Conditions.

April 4, 1891.

1st. Not to
interfere
with public
travel.
Grade.

Id.

2nd. Street
improve-
ments.

Id. E. 123

3rd. Fence.

Id.

No transfer
of franchise.

Consolidation.

Id.

No forfeiture

3. That said road is to be built so as to interfere as little as is reasonably practical with public travel upon said streets; and that the tracks laid in Twelfth Street, are to be laid flush with the grade of said street as said grade is now or may hereafter be fixed by the Councils of said city. * * *

4. That so much of said streets as is used by said company and three (3) feet on each side thereof is to be kept in good order and repair by said company, and that at all street crossings the space between the tracks shall be kept in good condition to correspond with the condition of the streets occupied by and the streets crossing said track, under the direction of the Superintendent of Streets of the City of Erie, and that good and sufficient driveways over said tracks shall be maintained by said Company, at its own expense, at such points as may be required for the proper and legitimate use of the adjacent property.

5. That whenever thereunto required by resolution of Councils of the said city, the said Pittsburgh, Shenango & Lake Erie Railroad Company shall erect and maintain along the north line of its right of way on Twelfth Street, as above described, a fence of such height and strength and with such gateways or openings as may be directed by the City Engineer of the said city.

6. That the right of way herein granted to the said Pittsburgh, Shenango & Lake Erie Railroad Company shall not be given, sold, leased, or in any other manner disposed of to any other company or corporation unless permission so to do shall have first been granted by the City of Erie by ordinance duly enacted, but this shall not be construed as preventing a consolidation of said The Pittsburgh, Shenango & Lake Erie Railroad Company with any railroad company not now running into Erie, nor as preventing the use of the rights and franchises hereby granted, by a company formed by such consolidation.

and to comply with all said stipulations and restrictions as aforesaid.

April 4, 1891.
§ 4.
E. 124.

9. If at any time it shall be judicially determined that the Pittsburgh, Shenango & Lake Erie Railroad Company has violated or failed to perform any of the stipulations, restrictions or provisions hereinbefore contained, and shall after thirty days' notice in writing, fail to fully perform such stipulation, restriction or provision, such failure shall be construed as a forfeiture of the privileges hereby granted, and it shall thereupon be lawful for the City of Erie to tear up and remove from its streets all track or other structure laid or built thereon by said railroad company.

Forfeiture.

Id. § 6, E. 125

10. That if said Company builds its line into Twelfth Street, but fails to build to the lake as aforesaid, the Councils of said city shall have the power to grant to any railroad company not now running into Erie, but which may hereafter construct a line into Erie, the right to use, under such reasonable rules and regulations of the said Pittsburgh, Shenango & Lake Erie Railroad Company, as adopted for the governing of the running of its own trains, the line or lines laid in this city by the said Pittsburgh, Shenango & Lake Erie Railroad Company, as long as said new company shall pay monthly to said Pittsburgh, Shenango & Lake Erie Railroad Company such proportion of the expense of operating such portion of said railroad as is included in this grant, and also such proportion of the interest at six per cent per annum on the then value of the said portion of said railroad and its right of way, as the number of cars run over or on said tracks by such new company, bears to the whole number of cars run thereon by both companies. And said railroad company shall file within thirty days after the completion of said Twelfth Street line a full statement of the cost of said line.

Joint use of lines.

Rent.

Statement of cost.

Id. § 8.

Acceptance.

11. That before exercising any of the privileges herein granted, or laying tracks upon any of the streets herein mentioned, the said Pittsburgh, Shenango & Lake Erie Railroad Company shall duly execute and file with the said city a certificate duly authorized by its board of directors accepting the privileges herein granted, and agreeing to each and every of the conditions, stipulations and restrictions in this ordinance mentioned and contained.

Ord. 694.
Oct. 9, 1891.
§ 1. E. 160.

12. That permission be and is hereby granted to The Pittsburgh, Shenango & Lake Erie Railroad Company to assign to The Erie Terminal Railroad Company the right of way and other privileges granted in or by the ordinance of the Councils of the City of Erie, entitled "An ordinance authorizing The Pittsburgh, Shenango & Lake Erie R. R. Co. to lay tracks in certain streets of the City of Erie," approved April 4, 1891, and that thereupon all the rights and privileges granted by said ordinance to The Pittsburgh, Shenango & Lake Erie R. R. Co. shall become vested in the said The Erie Terminal Railroad Company subject to each and every of the terms, conditions, restrictions, stipulations and provisions of said original ordinance. *Provided*, however, and on the express condition that the said The Erie Terminal Railroad Company shall

May assign to Erie Terminal Co.

Lease.

Oct. 9, 1891. within six (6) months after such assignment, lease to said The Pittsburgh, Shenango & Lake Erie Railroad Company for a term of not less than ninety-nine (99) years its entire line of railroad.

Ord. 791.
Dec. 19, 1892.
§ 1. E. 267.

Track ex-
tension
across Sas-
safras
Street.

Grade.

Safety gates.

Id. § 2.
Damages.

Bond.

13. That permission is hereby granted to The Erie Terminal Railroad Company to lay and extend its railroad in the City of Erie by a single track from the end of its track now constructed on the west side of Sassafras Street, across Sassafras' Street and along the south side of Twelfth Street to a point on Twelfth Street, one hundred and thirty feet from the east side of Sassafras Street, occupying so much of said streets only as may be necessary for the construction and operation of a single track; from the present terminus of said railroad on Twelfth Street to its depot grounds at the southeast corner of Twelfth and Sassafras Streets, and constructing such track south of a line thirty feet north of the south curb line of Twelfth Street, *provided*, that the said track to be laid flush with the grades of said streets as fixed by the said Councils, and, *provided further*, that the said The Erie Terminal Railroad Company shall at all times keep and maintain proper and suitable gates on both sides of Sassafras Street, to be erected and maintained under the supervision of the City Engineer and to his satisfaction, and to be operated under such reasonable regulations as the City of Erie may from time to time prescribe.

14. That the said company shall protect and save harmless the City of Erie of and from all damages to which the said City of Erie may directly or indirectly be subjected by reason of the building or maintaining of the tracks of said company upon the streets above mentioned, or injuries occasioned thereby, and further shall comply with all the stipulations and restrictions in this ordinance mentioned and contained; and said Company shall furnish to said city and renew from time to time when and as directed by the Councils of said city, a bond

Car Works, their successors or assigns, shall indemnify and save harmless, the City of Erie, from any loss or damage occasioned by the construction of said switch. (a)

Dec. 7, 1897

Id. § 4.

18. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.

Effective only when bond is approved.

Id. § 5.

19. The permission herein granted is subject to revocation at any time by the City of Erie.

Revocable.

20. That permission be and is hereby granted to The Griswold Mfg. Co. to construct a switch in an easterly direction from a point ten (10) feet, more or less, east of the east line of Raspberry Street, from the Bessemer & Lake Erie Railroad Co.'s track to the building of The Griswold Mfg. Co., on the east side of Raspberry Street, subject, however, to such regulations and restrictions as the said city may hereafter pass concerning the use of said street by said The Griswold Mfg. Co., their successors or assigns.

Ord. 2058.

Aug. 28, 1902.
§ 1. I. 170.

Griswold Mfg. Co. Switch.

Id. § 2.

21. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said The Griswold Mfg. Co. The said switch shall be constructed to the grade of said Raspberry Street, as furnished by the City Engineer, and in case the city shall, at any future time, change the grade of said street, the said The Griswold Mfg. Co. shall raise or lower the said track to correspond with the newly established grade of said street, provided that said switch shall be removed by and at the cost of the said The Griswold Mfg. Co., their successors or assigns, within thirty days after notice given by said City of Erie.

To be laid under the supervision of City Engineer; removal.

Id. § 3.

22. The said The Griswold Mfg. Co. shall file with the City of Erie a bond (b) in the sum of One Thousand Dollars (\$1,000), with sufficient sureties, said bond to be conditioned that the said works, their successors or assigns, shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction of said switch.

Bond.

Id. § 4.

23. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.

Effective only when bond approved

Id. § 5.

24. The permission hereby granted is subject to revocation at any time by the City of Erie. (c)

Revocable.

25. That the Bessemer & Lake Erie Railroad Company is hereby permitted to lay a single railroad track across the sidewalk on the south side of Twelfth Street, between Sassafras and Myrtle Streets, for the purpose of connecting its track with the track of the Lake Shore & Michigan Southern Railroad Company. Said track to cross the curb line of Twelfth Street at a point between two hundred and thirty-nine (239) and two hundred and forty-three (243) feet eastwardly from the east line of Myrtle Street, and to cross the sidewalk of Twelfth Street at a point between one hundred and ninety-

Ord. 2196.
May 28, 1903.
§ 1. I. 277.

Track across Street sidewalk.

(a) For bond see Select Council Journal Z., page 459.

(b) For bond see Select Council Journal Z., page 60.

(c) Ordinance 2057, approved Aug. 28, 1902, I 169, provides for granting a

franchise to the Keystone Pearl Button Co. to construct a R. R. switch across walnut street. The conditions are identical with those of ordinance 2058, given in the text.

<u>May 26, 1908</u>	three (193) and one hundred and ninety-seven (197) feet east of the east line of Myrtle Street, subject, however, to such regulations and restrictions as the said City may hereafter pass concerning the use of said street by said Bessemer and Lake Erie Railroad Company, its successors or assigns.
Conditions.	The privilege of laying and maintaining said track is conditioned upon the compliance with conditions enumerated in the succeeding sections of this ordinance.
<u>Id. § 2.</u>	26. The said track shall be laid under the supervision of
City Engineer to supervise construction and maintenance;	the City Engineer, and shall be kept in repair and planked or paved as directed by the City Engineer, and so maintained at all times in good condition by said Bessemer and Lake Erie Railroad Company, its successors or assigns. The said track shall be constructed to the grade of said Twelfth Street, as furnished by the City Engineer and shall be so laid as to interfere as little as possible with the public use of said sidewalk, and when in actual use for the moving of cars, etc., over it a watchman shall be stationed near said track to protect the public from danger.
Watchman.	
<u>Id. § 3.</u>	27. The said Bessemer and Lake Erie Railroad Company shall file with the City of Erie a bond (a) in the sum of One Thousand Dollars (\$1,000) with sureties, conditioned that the said Company, its successors or assigns, shall conform to the requirements of this ordinance, and shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction or maintenance of said track.
Bond.	
<u>Id. § 4.</u>	28. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.
Time to go into operation.	
<u>Id. § 5.</u>	29. That the permission hereby granted is subject to revocation at any time by the City of Erie, and said track shall be removed by and at the expense of the said Bessemer and Lake Erie Railroad Company, its successors or assigns, within thirty days after notice from the City of Erie, or said City may remove said track at the expense of the Company.
Revocable.	

Electric Light, Heat and Power.

[See Poles and Wires]

- | | |
|---|--|
| 1. Erie County Light Company authorized to erect poles and wires. | 8. Merchants' and Manufacturers' Electric Light, Heat and Power Company may erect poles and wires. |
| 2. Supervision of erection. | 9. Supervision. |
| 3. Bond. | 10. Damages. |
| 4. Waive exclusive privileges. | 11. To be in operation within one year. |
| 5. Edison Electric Light and Power Company authorized to erect poles and wires. | 12. Acceptance; bond. |
| 6. Locating the poles. | |
| 7. Bond. | |

Ord. 115, 119
April 4, 1884,
and July 15,
1884. § 1. C.
165 and C.
172.

1. That the Erie County Light Company be and is hereby authorized to erect and maintain poles and wires for the purpose of conducting electricity to be used for lighting purposes on such streets, lanes and alleys of this city, as may be from time to time required by said company for the purpose aforesaid.

Erie County
Light Co.
author-
ized to erect
poles and
wires.

2. The poles to be erected by said company shall be of such size and shape, and shall be located in such places as the City Engineer (a) shall direct; and when required by the Street Committee, they shall be so constructed as to admit of the erection of lamps thereon.

Id. § 2.
Super-
vision of
erection.

3. The license granted said company is upon condition that it shall give bond, (b) with sufficient sureties, in the sum of ten thousand dollars, to indemnify and save harmless the City of Erie from all loss or damage, whether the same arises directly or indirectly.

Id. § 3.
Bond.

4. That said company by accepting the provisions of this ordinance, shall also waive any exclusive privileges to which it may be entitled, under and by virtue of any law or laws; and if said company proceeds to occupy the streets of the city by the erection of poles and wires, it shall be conclusive evidence of the acceptance by said company of this ordinance, subject to the terms and conditions therein prescribed.

Id. § 4.
Waive ex-
clusive
privileges.

5. That the "Edison Electric Light and Power Company" of Erie, Pennsylvania, be, and is hereby authorized to erect and maintain poles and wires for the purpose of conducting electricity to be used for light, heat and power purposes, on such streets, lanes and alleys of this city, as may be from time to time required by said company aforesaid.

Ord. 176.
Feb. 24, 1886.
§ 1. C. 258.
Edison Elec-
tric Light
and Power
Co. author-
ized to erect
poles and
wires.

6. The poles to be erected by said company, shall be located in such places as the City Engineer (a) shall direct.

Id. § 2.
Locating the
poles.

7. The license granted said company is upon condition that it shall give real estate security, or bond (c) with sufficient sureties, in the sum of five thousand dollars, to indemnify and save harmless the City of Erie from all loss and damage, arising

Id. § 3.
Bond.

(a) By ordinance 1648, approved Oct. 19, 1899, see 7, H 262, under title "City Electrician," etc., that officer has "full charge and control of the supervision of the erection, maintenance and removal of the poles, wires and cables of each and every person, firm, company

or corporation doing business under a franchise" in the City of Erie.

(b) For bond see S. C. Journal L. page 65.

(c) For bond see S. C. Journal L. pages 536, 604.

Feb. 24, 1886.

Ord. 877.

April 4, 1894.

§ 1. G. 34.

Merchants
and Manuf.
Electric
Light, Heat
and Power
Co. may
erect poles
and elec-
trical ap-
pliances.

Id. § 2.

Supervision.

Id. § 3.

Damages.

Id. § 4.

To be in
operation
within one
year.

Id. § 5.

Acceptance.

ing directly or indirectly from the erection of said poles and wires, or in carrying on the business of said company.

8. That the Merchants' and Manufacturers' Electric Light, Heat and Power Company of Erie, Pennsylvania, be and is hereby authorized and empowered to use and occupy any or all of the streets, avenues and alleys in the City of Erie, Pennsylvania, with its poles and other appliances *pertaining to electricity* necessary for the said company in conveying and carrying its light, heat and power, and for the successful operation of its business.

9. That the poles to be erected by said company shall be placed under the direction of the Board of Fire Commissioners (a) and shall be of such character as may be approved of by said Board of Fire Commissioners, and that the said company, its successors or assigns, shall file with the Board of Fire Commissioners, whenever required, a map showing the location of their poles and wires and such other appliances as may be used by it under and by virtue of this permission.

10. That all damages which may arise or be caused in any manner out of the erection of the poles of the said The Merchants' and Manufacturers' Electric Light, Heat and Power Company, or its successors, or of the stringing of its wires or other *electrical* appliances, or of the operation of the same, in and along the streets of the City of Erie, shall be paid by said company, and that the City of Erie shall in no case be liable therefor.

11. The permission hereby granted, is granted to the said Merchants' and Manufacturers' Electric Light, Heat and Power Company under the condition that the said company will complete a plant for the purpose of furnishing light, heat or power, and have the same in operation within *one year* from the grant thereof; otherwise, said permission herein granted to be null and void.

12. That the said Merchants and Manufacturers' Elec-

Erie Electric Motor Company and Erie City Passenger Railway Company.

1. Permission to extend tracks west on 18th st.; conditions; repairs.
2. Paving.
3. 8th, 11th, Parade and 14th streets to be tracked as required by Charter; conditions; time to complete; single line rails, improvements to streets; acceptance.
4. State, Turnpike and W. 18th streets lines; proviso; paving.
5. Line on 18th st. west of Cascade st. and on 19th st. from Wayne st. to Buffalo Road.
6. T-rails; grade; municipal improvements.
7. Poles.
8. Street repairs; paving.
9. Forfeiture.
10. Running time of cars.
11. Acceptance; bond.
12. 11th st. to East av.; conditions.
13. 11th st. to P. & E. R. R.; proviso.
14. Repeal.
15. On State st. to 18th st.
16. Conditions; when to complete; rails; locating track; acceptance.
17. Authorized to use electric motors.
18. Conditions; grades; rails; track repairs; street repairs; paving; poles; hours of service; fares; conductor; time to build; acceptance; bond; forfeiture.
19. Lines on W. 4th, N. Park Row, French, E. 6th and State streets.
20. Single track; to be approved by City Engineer; exception as to State st.
21. Privileges identical with ordinance of Aug. 9, 1888.
22. Lines on 6th, 11th, West 26th, French, East 26th, Ash and West 12th streets; poles, wires and electricity.
23. Rails, grade, improvements.
24. Street repairs; paving.
25. Poles.
26. Time for running cars.
27. Time to build; acceptance; bond; forfeiture.
28. Second track on W. 12th st.
29. T-rails; grade, municipal improvements.
30. Paving; street repairing.
31. Forfeiture.
32. Acceptance; bond.
33. 26th st. west of Liberty st.
34. Rails; municipal improvements; grade.
35. Side tracks.
36. Poles; wires, supervision.
37. Shall maintain street in good condition; paving; assessment.
38. Guarantee deposit.
39. Forfeiture.
40. Running time of cars.
41. Acceptance; forfeiture.
42. W. 26th street double track.
43. When to be laid.
44. Grade.
45. Street repairs; paving.
46. T-rails.
47. Running time.
48. Acceptance; bond.
49. Forfeiture.
50. Peach street line.
51. Rails; grades; municipal improvements.
52. Street repairs; paving.
53. Poles.
54. Time for running cars and regular trips; exceptions.
55. Time to build; acceptance; bond; forfeiture.
56. Tracks on East ave., East 12th st., East 18th and Peach streets.
57. Rails; grade; municipal improvements.
58. Street repairs; paving.
59. Poles and wires may be erected on other streets.
60. Running time of cars.
61. Time to build; acceptance; bonds; forfeiture.
62. Peach street, double track line, 12th st. to south line of City.
63. T-rails; grade; municipal improvements.
64. Street repairs; paving.
65. Acceptance; forfeiture; bond.
66. East Lake Road line; conditions.
67. Rails; grade; municipal improvements.
68. Street repairs; paving; assessment.
69. Running time of cars.
70. Selecting route.
71. Poles and wires; supervision by City Electrician.
72. One fare to Hammermill Paper Co. track.
73. Acceptance; bond; forfeiture.
74. Second bond.
75. Parade, 4th, 14th, Ash, 19th, Wayne, 23rd Streets and Pennsylvania Avenue line.
76. Use of Ash Street line by another Company.
77. Excavating at Ash and Wayne Street subways.
78. T-rails, municipal improvements; grades.
79. Poles and wires.
80. Street repairs; paving.
81. Forfeiture.
82. Running time of cars.
83. Acceptance; bond.
84. Buffalo Road Viaduct.
85. Right of way over Viaduct for Erie Electric Motor Company; City may also grant right of way to another Company; rights reserved.

1. That the Erie City Passenger Railway Company be and the same is hereby authorized to extend its passenger railway track westerly on Eighteenth Street, from Peach Street to Cascade Street, under the following conditions, to wit:

Ord. 8.
Mar. 23, 1882.
§ 1. C. 16.

First. That said railway shall be completed and opened

Permission
to extend
tracks west
on 18th
street.

- Mar. 23, 1882** for public use within one year from the date of the passage of this ordinance as far west as Cascade Street.
- Repairs** Second. That the track shall be laid with a rail having a broad flange (*a*); and so much of the street as is occupied by the railway shall be kept in perfect repair by said Company and its successors, and the road so built as to interfere as little as possible with public travel.
- Ord. 41.**
Oct. 23, 1882.
§ 1. C. 56. 2. That the Erie City Passenger Railway Company be and the said Company is hereby required to pave such parts of any and all streets of the City of Erie as are occupied by its tracks with Medina stone, similar to that being used in paving the roadway each side of said railway tracks.
- Paving.** **Ord. 92.**
Nov. 14, 1883.
§ 1. C. 128. 3. That the Erie City Passenger Railway Company be and it is hereby granted permission to construct branches to its railway on such parts of Eighth Street, Eleventh Street, Parade Street and Fourteenth Street, as the charter of said Company requires it to build.
- 8th, 11th, Parade and 14th streets to be track- ed as re- quired by charter. Conditions:** The right to use said streets for railway purposes as aforesaid is granted, nevertheless, subject to the following conditions, to wit:
- Time to complete.** First. The said Railway Company shall complete the branches aforesaid within one year from the date of approval of this ordinance.
- Single line** Second. Said Company shall have the right to lay but a single line of tracks, with the necessary turnouts.
- rails; im- prove- ments to streets.** Third. Said Company shall use rails with such width flange (*a*), and shall improve the street between the tracks, and one foot in width on the outside of each rail, in such manner and at such times as the Councils of the City of Erie may direct: and these provisions shall extend to the railway now built, as well as that to be built.
- Acceptance.** The construction of the branches aforesaid, or any part of them, shall be deemed an acceptance by said Erie City Passenger Railway Company of the foregoing conditions.

be paved, said Company shall pave between the tracks with material similar to that used in paving the street, and on said paved streets lay on each side of each rail flag stones at least six inches in width, and keep the same in good repair at all times. (a)

5. That the City of Erie hereby authorizes and empowers the Erie City Passenger Railway Company, operated by the Erie Electric Motor Company, to construct, maintain and operate a single track street passenger railway, together with the necessary switches, in West Eighteenth Street, from the present terminus of its line at Cascade Street, westwardly to the City Limits, and also in East Nineteenth Street, eastwardly from the terminus of its present line at Wayne Street, to the Buffalo Road.

6. That all rails laid shall be standard tee rails, laid to the grade of the street, and the City reserves the right to change the grade of said street and to make municipal improvements of all kinds without liability to account to said Companies, their successors or assigns, in any manner whatsoever, for damages caused by making such improvements or such change.

7. That all poles shall be neat in appearance and shall be approved by the City Engineer and located where he may direct and all overhead wires shall be located under his supervision and with his approval, or under the supervision of such other officer as the Councils may direct.

8. That said Companies, their successors or assigns, shall keep the space between the rails of their track or tracks and one foot in width on the outside of each track in good order and repair at all times, so that the tracks will present as little obstruction as possible to public travel; whenever said street, or any part thereof, shall hereafter be paved or repaved by the said City of Erie, said Companies, their successors or assigns, shall pave the same between the rails and one foot on the outside, with first quality vitrified brick, and inside next to the rail shall be paved with special brick made to fit the contour of the rail, similar to the pavement on Eighth and Peach Streets.

9. That said Companies shall forfeit this franchise unless it builds and completes this line and has the same in full operation on or before the first day of July, 1904.

10. That said Companies, their successors and assigns, shall run cars over the entire length of said line each and every day from 6 a. m. until 11 p. m. and shall make regular trips at least once in every fifteen minutes.

RESOLUTION

(a) That the Erie City Passenger Railway Company is hereby authorized to extend its track along State street to the Public Dock, provided, that the portion of said track between the north line of Front street and the Public Dock shall be laid on the west side of the center of the macadamized portion of said street, and that the west rail of said

track shall not be laid further east than one foot of the west curbstone of said macadamized portion of said street.

"Said rails to be laid at no greater elevation above the paved or macadamized road bed than they are from Second st. south, and to be laid under the direction of the City Engineer and Street Committee." Approved Apr. 15, 1879. Select Council Journal H, page 570.

Mar. 28, 1904
Id. § 7.

Acceptance;
bond.

11. That said Companies shall accept the provisions of this ordinance by resolution of its board of directors, duly passed and certified under the corporate seals of said companies within thirty days from the final passage of this ordinance, and file a bond in the sum of \$1,000, conditioned that they will be bound by and comply with all the conditions of this ordinance. (a)

Ord. 146.
Mar. 31, 1885.
C. 212.

11th street
to East
avenue.
Conditions.

12. That the Erie City Passenger Railway Company is hereby authorized to extend its track easterly on Eleventh Street to East Lane (b). *Provided* that the right hereby granted is upon condition that the said Company shall run cars over the entire length of each and every of its lines in the City of Erie at least once in every fifteen minutes, and shall also take up its track on Parade Street, from Eleventh to Fourteenth Streets, or extend the same to Twenty-Sixth Street; and *provided* also that said track shall be laid in the manner above required by the ordinance, authorizing the extension of said Company's tracks on Eighth and Eighteenth Streets.

Ord. 151.
June 26, 1885.
§ 1. C. 219.

11th street
to P. & E.
R. R.

13. That the Erie City Passenger Railway Company be and the said Company is hereby authorized to extend its track easterly on Eleventh Street to the Philadelphia & Erie Railroad Company's track; *provided* said track shall be laid in the manner required by an ordinance granting said company the right to construct branches on Eighth Street and other streets, approved November 14, 1883.

Proviso.

Id. § 2.

Repeal.

14. The ordinance approved March 31, 1885, granting said Company permission to lay its track on Eleventh and other streets, is hereby repealed so far as inconsistent herewith.

Ord. 211.
June 26, 1886.
§ 1. C. 328.

On State
street, to
18th street.

15. That the Erie City Passenger Railway Company be and is hereby granted permission to extend a single track, with necessary turnouts, south on State Street to Eighteenth Street, and on Eighteenth Street, and its eastern extension, known as Buffalo Road, from Peach Street to East Avenue. (c)

Id. § 2.

16. The right to use said streets as aforesaid for railway

17. That the Erie City Passenger Railway Company be and is hereby authorized to run its cars over its road as now constructed, or as the same may hereafter be extended, with electric motors, and for that purpose said company is hereby authorized to erect the necessary poles and wires required for that purpose. Ord. 355.
Aug. 9, 1888.
§ I. D. 161.
Author-
ized to use
electric
motors.

18. The privilege granted to the said company is subject to the following conditions, to wit: Id. § 2.
Conditions.

First. That any rails laid shall conform to the grade of the respective streets as said grades now are or hereafter may be established, and the City of Erie reserves the right to change the grade of such streets, and to make municipal improvements of all kinds therein, without liability to account to said railway company, in any manner, for damages, directly or indirectly caused by such change, or the making of such improvements. grades;

Second. Said company shall use for its tracks, rails known as side-bearing, wide-flange (a) rails, and said tracks shall be so laid and kept in repair as to interfere in the least possible degree with the general public travel on the streets used. rails; track
repairs.

Third. On all streets, now paved, used by it, said company shall keep the space between the rails of its track or tracks, as the case may be, in good order and repair at all times, so that its tracks will present as little obstruction as possible to public travel; on all unpaved streets, used by it, said company shall keep the space between the rails of each track, and one foot in width on the outside of each rail, in good order and repair at all times, so that the tracks will present as little obstruction as possible to public travel; whenever any street, or part thereof, that may be used by said company, shall hereafter be paved or repaved, said company, at its own expense, shall pave or repave, as the case may be, the space between the rails of each track and one foot in width outside of each rail by it laid, so far as said street may be paved or repaved along its track, laying the same kind of pavement used in the balance of the street, unless the city authorities and said company otherwise agree, and keep such space in good repair thereafter; and in case said company shall neglect or refuse to pave, repave or repair any street, or part thereof, that it is bound to pave, repave or repair, after reasonable notice from the City Engineer, the City of Erie may cause the required work to be done at the cost and expense of said company. Street re-
pairs.

Paving.

Fourth. Any poles erected shall be neat in appearance and shall be approved by the City Engineer (b), and erected where he shall direct, and, where reasonable arrangements can be made for their use, said company shall avail themselves of poles already erected by other companies. All overhead wires shall be erected under the supervision and with the approval of the City Engineer. Poles

Fifth. Said company shall run its cars over the entire length of its lines, each and every day, from six o'clock a. m. to eleven o'clock p. m. making regular trips at least once in every fifteen Hours of
service,
fares, con-
ductor.

(a) See ordinance 1809, approved Feb. 18, 1901, under title "Railroads." (b) Now City Electrician.

Aug. 9, 1888. minutes. A single fare shall not exceed five cents. Each and every car shall have a conductor in addition to a competent operator; *Provided*, that a conductor shall not be required until ordered by resolution of the Mayor and Councils.

Time to build. Sixth. Said company shall commence equipping its road for use with motors within sixty days, and have the same in full operation within one year from the date of approval of this ordinance.

Acceptance. Seventh. Said Company shall accept (*a*) of the provisions of this ordinance by a resolution of its board of directors, duly passed, and certified under the corporate seal of said company, within thirty days after notice of the passage of this ordinance, and covenant and agree to be bound by, and comply with all the conditions thereof; and before entering upon any street,

Bond. under the license herein granted, shall file its bond (*b*) in the sum of ten thousand dollars, with sureties to be approved by the Mayor and Councils, conditioned that it will comply with all the provisions of this ordinance; and, in case said company shall neglect or refuse to accept said ordinance or file its bond as aforesaid, or, having done so, shall fail to comply with the provisions of this ordinance, it shall forfeit all rights and privileges hereby granted, and if the City of Erie so directs, shall remove its tracks from the streets of said city.

Ord. 372.
Oct. 26, 1888.
§ 1. D. 183. 19. That the Erie City Passenger Railway Company be and it is hereby authorized and empowered to construct a passenger railway on Fourth Street (*c*) from Cascade to State Streets, on North Park Row from State to French Streets, south on French Street to Sixth Street, and east on Sixth Street to the Philadelphia & Erie Railroad, and on State Street from Turnpike Street to Eighteenth Street.

1d. § 2.
Single track;
to be ap-
proved by
City Engi-
neer; excep-
tion as to
State 20. Said company shall lay but a single line of track on said streets, with the necessary turnouts, to be approved by the City Engineer, except on State Street, from Turnpike Street to Eighteenth Street, where a double track may be laid.

Liberty Street; to build line on French Street, from East ^{Sept. 23, 1891.} Eighteenth Street line south to Twenty-sixth Street; thence east on Twenty-sixth Street to Ash Street; thence north on Ash Street to Twenty-fifth Street; to build line from State Street west on Twelfth Street (a) to Cranberry Street; together with all necessary switches, crossovers and turnouts, and operate said lines with electricity, and for that purpose said Companies are hereby authorized to erect the necessary poles and wires required for that purpose. (b)

23. That all rails shall be side-bearing, wide flange (c) ^{Id. § 2. E. 149.} rails, and conform to the grade of the respective streets, as said grades are or may hereafter be established; and the City ^{Rails; grade; municipal improvements.} of Erie reserves the right to change the grade of such streets and to make municipal improvements of all kinds therein, without liability to account to said Companies in any manner for damages directly or indirectly caused by such change or the making of such improvements.

24. Said Companies shall keep the space between the rails ^{Id. § 3.} of the track or tracks, as the case may be, in good order and ^{Street re-pairs.} repair at all times, so that the tracks will present as little obstruction as possible to public travel. On all unpaved streets used by them, said Companies shall keep the space between the rails of each track, and one foot in width on the outside of each rail, in good order and repair at all times. Whenever any street or part thereof that may be used by said Companies shall hereafter be paved or repaved, said Companies, at their own expense, shall pave or repave, as the case may be, the space between the rails of each track, and one foot in width on each side of each rail by them laid, so far as said street may be paved or repaved along their track, laying the same kind of pavement used in the balance of the street, unless the city authorities and said Companies may agree otherwise, and keep such space in good repair thereafter. And in case said Com- ^{Paving.} panies shall neglect or refuse to pave, repave or repair any street or part thereof, that they are bound to pave, repave or repair, after reasonable notice from the City Engineer, the City of Erie may cause the required work to be done at the cost and expense of said Companies.

25. Any poles erected shall be neat in appearance; shall ^{Id. § 4.} be approved by the City Engineer (c) and erected where he ^{Poles.} shall direct.

26. Said Companies shall run cars over the entire length ^{Id. § 5.} of such extensions each and every day, from 6.30 a. m. to 11.00 ^{Time for running cars.}

(a) For ordinance No. 2092 to permit the erection by the E. E. Motor Co. of a single line of wooden poles, with the necessary arms, between the track of said company and the north track of the Bessemer & Lake Erie R. R. on Twelfth street, approved March 7, 1903, see Ordinance Book I, page 232.

(b) Ordinance 2350, approved Aug. 4, 1904, J 20, authorized the Erie Elec. Motor Co., to build a single track line on

Twenty-fifth street from Ash street to Pennsylvania avenue and provided that the said company shall sell six tickets for a quarter and shall give three cent fares to workingmen between the hours of six and seven A. M. and five and seven P. M. Line not built.

(c) See ordinance 1809, approved Feb. 18, 1901, title "Railroads."

(d) Now City Electrician.

Sept. 23, 1891

p. m., making regular trips at least once in every thirty (30) minutes.

Id. § 6.
E. 150.

Time to
build; ac-
ceptance;
bond;
forfeiture.

27. Said Companies shall commence laying track and equipping such extensions herein mentioned within sixty (60) days, and have the same in full operation within six (6) months from the date of approval of this ordinance. Said Companies shall accept (a) the provisions of this ordinance, by resolution of their Boards of Directors duly passed and certified under the corporate seals of the said Companies, within thirty (30) days after notice of the passage of this ordinance, and agree to be bound by and comply with all the conditions thereof; and before entering upon any street under the license herein granted, shall file their bonds (a) in the sum of Ten Thousand (\$10,000) Dollars with sureties to be approved by the Mayor and Councils, conditioned that they will build and comply with all the provisions in this ordinance, and in case said Companies shall neglect or refuse to accept said ordinance, or file their bonds as aforesaid, within said thirty (30) days, shall forfeit all rights and privileges herein granted.

Ord. 2256.
Jan. 21, 1904.
§ 1. I. 342.

Second
track on W.
12th street.

28. That the Erie City Passenger Railway Company and the Erie Electric Motor Company, be and are hereby authorized to lay a second track in 12th Street from the terminus of its present double track between State and Peach Streets, westwardly to the City limits, so that there will be when completed a continuous double track from State Street to the western City limits. (b)

Id. § 2.

T rails,
grade; muni-
cipal im-
provements.

29. That the rails to be laid in the construction of the said track shall be Tee rails not less than 7 inches in height, and shall be laid to conform to the grade of the said Street, as said grade is or may hereafter be established; and the City of Erie reserves the right to change the grade of the said street and to make municipal improvements of all kinds therein, without liability to said Companies, or either of them, in any manner for damage directly or indirectly caused by such change or

Directors, duly passed and certified under the corporate seals ^{Jan. 21, 1904} of said Companies within thirty days after the final passage ^{Bond.} of this ordinance and file a bond in the sum of three thousand (\$3,000) dollars, conditioned that they will be bound by and comply with the conditions of this ordinance. (a)

33. That the City of Erie hereby authorizes and empowers ^{Ord. 1561.} the Erie City Passenger Railway Company, operated by the ^{Dec. 16, 1898.} Erie Electric Motor Company, to extend its line as follows: ^{§ 1. H. 203.} To extend west Twenty-sixth street line from its present terminus at Liberty Street, westwardly along said Twenty-sixth Street to city limits, together with the necessary switches and turnouts and operate the same with electricity, and for said purpose said company are hereby authorized to erect poles and wires required for such purpose. (b)

34. That all rails shall be girder (c) rails, and shall be laid ^{Id. § 2.} to conform to the grade of said street, as it is or may hereafter be established; and the City of Erie reserves the right ^{Rails; municipal improvements; grade.} to change the grade of such street, and to make municipal improvements of all kinds therein without liability to account to said Company, its successors or assigns, in any manner, for damages, directly or indirectly, caused by such change or making such improvements.

35. Side-tracks may be constructed along the line of the ^{Id. § 3.} main track at intervals of not less than two thousand five hundred (2,500) feet from point to point of switches, and under the same regulations that apply to the main track. No side-track shall exceed two hundred (200) feet in length from point to point of switches. ^{Side-tracks.}

36. Any poles erected shall be neat in appearance, and shall ^{Id. § 4.} be approved by the City Electrician, or such other officer or ^{Poles; wires; supervision.} officers as the Councils shall designate, and erected where he or they shall direct, and where reasonable arrangements can be made for their use, said Company, its successors or assigns, shall avail themselves of poles already erected by other companies. All overhead wires shall be erected under the supervision and with the approval of the City Electrician, or such other officer or officers as Councils shall designate.

37. That said Company, its successors or assigns, shall keep ^{Id. § 5.} the space between the rails of its track or tracks, and one and one-half feet in width on the outside of each rail, as the case ^{Shall maintain street in good condition.} may be, clean and in good order and repair at all times, so that its tracks will present as little obstruction as possible to public travel; whenever any street, or part thereof, that may be used by said Company, its successors or assigns, shall hereafter be ^{Paving.}

(a) For acceptance and bond see Select Council Journal 1, page 58.

(b) By resolution approved Sept. 18, 1899, Select Council Journal W, page 362, the Mayor was "authorized to notify the Erie Electric Motor Co. to place a conductor in charge of their cars now being operated on Peach street south from 26th street, and on 26th street west from Peach street in the City of Erie within five days from said

notice, in compliance with City Ordinance approved August 9, 1888."

By resolution approved June 16, 1904, S. C. Journal 1, pages 135 and 152, the Erie Electric Motor Company was permitted to place three short switches on its 26th street line between Peach and Weigeltown.

(c) See ordinance 1809, approved Feb. 18, 1901, under title "Railroads."

Dec. 16, 1898

Assessment.

paved or repaved, by the City of Erie, said Company, its successors or assigns, shall pay its proportion of the total cost of said paving or repaving; the said proportion being based on the number of square yards between lines drawn one and one-half feet outside of the outside rails of their track or tracks, at the total cost per square yard of the pavement, complete. The assessment against said Company, its successors or assigns, for paving such space on such streets, shall be made by the City Engineer, and approved by Councils. Said Company, its successors or assigns, shall be notified by the City Treasurer of the amount of the same, and such assessment shall be due and payable within thirty days from the date of the mailing of such notice by the City Treasurer.

Id. § 6.Guaranty
Deposit.

38. Within twenty days after the acceptance of this ordinance the said Company shall deposit in the City Treasurer the sum of seven hundred and fifty dollars (\$750), conditioned that it will build said line or lines upon the streets or parts of streets named in this ordinance within the time required by the provisions hereof, and comply with all the provisions of this ordinance, and that in the event of its failure or neglect to build as aforesaid it will forfeit this franchise, and all rights thereunder and shall also forfeit to the City of Erie the said sum of seven hundred and fifty dollars, which is hereby agreed to be the liquidated damages for such failure or neglect to build said line.

Id. § 7.

Forfeiture.

39. Said Company shall forfeit this franchise unless it builds and completes its road, and has the same in full operation on or before May 1st, 1899, and on failure to so build and complete said line as aforesaid, become null and void.

Id. § 8.Running
time of cars.

40. Said Company, its successors or assigns, shall run its cars over the entire length of its lines, within the limits of the City of Erie, each and every day from 6 o'clock a. m. until 11 o'clock p. m., and shall make regular trips at least once in every ten (10) minutes.

Id. § 9.

Acceptance.

41. Said Company shall accept the provisions of this ordinance by resolution of its Board of Directors, duly passed and certified under the corporate seal of said Company within

Chestnut Street to the western boundary of the City it shall April 3, 1905
be laid prior to, or simultaneously with, the paving of that
section of the street or any part thereof that may be paved.

44. Said track shall be so laid and maintained that the Id. § 3.
rails thereof shall conform to, and be flush with, the grade of Grade.
said street as said grade is now, or may hereafter be established;
and the City of Erie reserves the right to change the grade of
said street and to make municipal improvements of all kinds
therein, without liability to either of said companies in any
manner for damage, directly or indirectly, caused by such
change or making such improvements.

45. Said Companies, their successors or assigns, shall keep Id. § 4.
the space between the rails of the tracks, between the tracks Street re-
and one foot in width on the outside of each rail clean and in pairs.
good repair at all times, so that the tracks will present as lit-
tle obstruction as possible to public travel, and shall pave, with
first quality vitrified paving brick, laid according to City speci-
fications, the space between the rails of each track, between the
tracks and one foot in width on the outside of each rail; and
said paving shall be done simultaneously with the paving of
the adjoining part of the roadway; provided, however, that
said Companies shall not be required to do any paving on said
street west of Chestnut street during the year 1905. Here- Paving.
after if said Twenty-sixth Street, between Peach Street and the
western line of the City, or any part thereof, shall be repaved,
said Companies, their successors or assigns, if notified by the
City Engineer so to do, shall at their own cost and expense,
simultaneously with the repaving of the adjoining part of the
roadway, repave with first quality vitrified paving brick, laid
according to City specifications, the space between the rails
of each track, between the tracks and one foot in width outside
of each rail so far as said street may be repaved along their
track, and shall keep such space clean and in good repair there-
after, and in case said Companies shall neglect or refuse to keep
clean, pave, repave or repair the said space or any part thereof
as aforesaid after reasonable notice from the City Engineer,
the City of Erie may cause the same to be done at the cost
and expense of said Companies, their successors or assigns.

46. The franchise and privileges herein granted are granted Id. § 5.
under and subject to the provisions and conditions of ordi- "T" rails.
nance number 1809, approved February 18th, 1901, entitled
"An ordinance providing for the use by street railway com-
panies of a "T" rail in the construction or re-construction of
tracks, and prescribing the kind of pavement to be laid ad-
joining such rails."

47. That said Companies shall run cars over the entire Id. § 6.
length of said line each and every day from 6 a. m. till 11 p. Running
m. on week days, and from 8 a. m. till 10:30 p. m. on Sundays, time.
making regular trips once in every fifteen minutes, except if
they shall run a through car from State Street over said line,
in which case they shall run said car over said line once in
every twenty minutes.

<u>April 3, 1906</u>	48. Said Companies shall accept the provisions of this ordinance by resolution of their Boards of Directors, duly passed and certified under the corporate seals of said Companies within thirty days after the passage of this ordinance, and agree to be bound by and comply with all the conditions thereof and shall also within said thirty (30) days file a bond with the City of Erie in the sum of three thousand dollars (\$3,000) with sufficient security, to be approved by the Mayor and Councils, conditioned that said Companies, their successors and assigns, will comply with all the conditions of this ordinance. (a)
<u>Id. § 7.</u>	
Acceptance;	
Bond.	
<u>Id. § 8.</u>	49. That if said Companies, their successors or assigns, shall fail to comply with all the provisions of this ordinance, they shall forfeit all the privileges herein granted.
<u>Forfeiture.</u>	
<u>Ord. 698.</u>	50. That the Erie City Passenger Railway Company and the Erie Electric Motor Company be and are hereby authorized to extend and lay a line from the intersection of Peach and Turnpike Streets northerly on Peach Street, to Twelfth Street, making a continuous line on Peach Street, from Eighteenth Street to Twelfth Street, together with all necessary switches, cross-overs and turnouts, and operate said line with electricity and for that purpose said companies are hereby authorized to erect the necessary poles and wires required for that purpose.
<u>Oct. 10, 1891.</u>	
<u>§ 1. E. 164.</u>	
Peach Street line.	
<u>Id. § 2.</u>	51. That all rails shall be side-bearing, wide flange (b) rails, and conform to the grade of the street, as said grade is or may hereafter be established, and the City of Erie reserves the right to change the grade of said street and to make municipal improvements of all kinds therein, without liability to account to said companies in any manner for damages directly or indirectly caused by such change or the making of such improvements.
<u>Rails</u>	
<u>Grades.</u>	
Municipal improvements.	
<u>Id. § 3.</u>	52. Said Companies shall keep the space between the rails of the track or tracks (as the case may be) in good order and repair at all times, so that the tracks will present as little ob-
<u>E. 165.</u>	
Street repairs.	

53. Any poles erected shall be neat in appearance, shall be approved by the City Engineer (a) and shall be erected where he shall direct. Oct. 10, 1891.
Id. § 4.
Poles.

54. Said Companies shall run all cars from Second to Twenty-sixth and Peach Streets over the entire length of such extension, each and every day from 6:30 a. m. to 11:00 p. m., making regular trips at least once in every thirty minutes, except when prevented by railroad trains at the railroad crossing, and no less number of trips shall be made over such extension than is now made between Second and Twenty-sixth Streets, on State and Peach Streets. Id. § 5.
Time for running cars and regular trips; exceptions.

55. Said Companies shall commence laying track and equipping such extension herein mentioned, within sixty days, and have the same in full operation within six months from the date of the approval of this ordinance. Said Companies shall accept (b) the provisions of this ordinance by resolution of their Board of Directors, duly passed and certified under the corporate seals of the said Companies, within thirty days after the notice of passage of this ordinance, and agree to be bound by and comply with the conditions thereof; and before entering upon said street under the license herein granted, shall file their bonds (c) in the sum of ten thousand dollars, with sureties to be approved by the Mayor and Council, conditioned that they will build and comply with all the provisions of this ordinance, and in case said Companies shall neglect or refuse to accept said ordinance or file their bonds as aforesaid within thirty days, they shall forfeit all rights and privileges herein granted. Id. § 6.
E. 166.
Time to build; acceptance; bond; forfeiture.

56. That the said Companies [Erie City Passenger Railway Company, operated by the Erie Electric Motor Company] be and are hereby authorized to extend and lay lines upon the following streets: To run Eleventh Street track from State Street up East Avenue to Twelfth Street (d), thence east on Twelfth Street to city limits. To extend Peach Street line south from Twenty-sixth to city limits. To extend East Eighteenth Street line east along Buffalo Road to city limits; tracks on said named streets to be built in manner and form provided for and under provisions of Charter of the Erie City Passenger Railway Company, together with all necessary switches, cross-overs and turn-outs; and operate same with electricity, and for that purpose said companies are hereby authorized to erect the necessary poles and wires required for this purpose. Ord. 795.
April 3, 1893.
§ 1. E. 304.
Tracks on East Avenue, East 12th Street, East 18th and Peach Streets.

57. That all rails shall be side-bearing, wide flange (e) rails, and conform to the grade of the respective streets, as said grades are or may hereafter be established; and the City Id. § 2.
E. 306.
Rails; grade; municipal improvements.

- (a) Now City Electrician.
(b) For acceptance see S. C. Journal P, page 354, Nov. 5, 1891.
(c) For bond see S. C. Journal P, page 361, Nov. 16, 1891.
(d) Resolved, etc. That as the Erie Electric Motor Company have, from time to time, taken up their track in East avenue at 12th street, thereby

shortening it, to the great inconvenience of the shop employes, that the said company be requested to extend this track southwardly 300 feet, more or less, from its present terminus, as soon as the weather will permit. Approved Jan. 22, 1906, Select Council Journal 2, page 309.
(e) See ordinance 1809, approved Feb. 18, 1901, title "Railroads."

April 3, 1893. of Erie reserves the right to change the grade of such streets and to make municipal improvements of all kinds therein, without liability to account to said Companies in any manner for damages directly or indirectly caused by such change or the making of such improvements.

Id. § 3.
**Street re-
pairs.**

Paving.

58. Said Companies shall keep the space between the rails of the track or tracks, as the case may be, in good order and repair at all times, so that the tracks will present as little obstruction as possible to public travel. On all unpaved streets used by them, said Companies shall keep the space between the rails of each track, and one foot in width on the outside of each rail in good order and repair at all times. Whenever any street or part thereof, that may be used by said Companies, shall hereafter be paved or repaved, said Companies, at their own expense, shall pave or repave, as the case may be, the space between the rails of each track, and one foot in width on each side of each rail by them laid, so far as said street may be paved or repaved along the track, laying the same kind of pavement used in the balance of the street, unless the city authorities and said Companies may agree otherwise, and keep such space in good repair thereafter. And in case said Companies shall neglect or refuse to pave or repave, or repair any street, or part thereof, that they are bound to pave, repave or repair, after reasonable notice from the City Engineer, the City of Erie may cause the required work to be done at the cost and expense of said Companies.

Id. § 4.
**Poles and
wires may
be erected
on other
streets.**

59. Said Companies may erect poles and string feeder and return wires in such other streets, lanes and alleys of said city, in addition to those already erected, as they may deem necessary for the operation of its various lines, and all poles erected shall be neat in appearance and shall be approved by the City Engineer. (a)

Id. § 5.
E. 306.
Running

60. Said Companies shall run cars over the entire length of such extensions, each and every day, from 6:30 a. m. to 11:00 p. m. making regular trips at least once in every thirty (30)

nance, or file their bonds as aforesaid, within said thirty (30) April 3, 1893
days, shall forfeit all rights and privileges herein granted.

62. That the Erie City Passenger Railway Company, operated by the Erie Electric Motor Company, be and are hereby authorized to lay new track in Peach Street, from Twelfth Street to the southern city line (a) and to extend the double track in Peach Street from its present terminus south of Eighteenth Street, northwardly to Twelfth Street, and from Twenty-sixth Street southwardly to the southern city line, so that there will be when constructed a continuous double track without switches from Twelfth Street to the southern city line, and to operate said line with electricity, under the conditions herein-after set forth.

Ord. 1815.
Feb. 26, 1901.
§ 1. I. 2.
Peach Street double track line, 12th Street to S. line of city.

63. The rails to be used in the construction of said tracks shall be "T" rails not less than seven inches in depth, and shall be laid to conform to the grade of said Peach Street between the points named, as said grade is or may hereafter be established; and the City of Erie reserves the right to change the grade of said street and to make municipal improvements of all kinds therein, without liability to said Companies, or either of them, in any manner for damages directly or indirectly caused by such change or the making of such improvements.

Id. § 2.
T rails; grade; municipal improvements.

64. Said Companies shall keep the space between the rails of the tracks, between the tracks and one foot in width on the outside of each rail by them laid, clean and in good order and repair at all times, so that the tracks will present as little obstruction as possible to public travel, and shall pave, so that the same shall be completed on or about June 1st, 1901, with first quality vitrified fire clay paving brick, from Twelfth Street to the southern city line, the space between the rails of each track, between the tracks and one foot in width on the outside of each rail by them laid. The paving adjoining the rails on the inside and outside shall be made with a special brick, with one corner cut off, so that the end of each brick will pass under the head and touch the web of the rail, leaving the top face of the brick level with the top of the rails. And thereafter, if said Peach Street, between the points hereinbefore named, or any part thereof, shall be repaved by the City of Erie, said Companies, if notified by the City Engineer so to do, shall at their own cost and expense pave or repave, as the case may be, the space between the rails of each track, between the tracks and one foot in width on the outside of each rail by them laid so far as said street may be repaved along their track, laying the same kind of pavement used in the balance of the street, unless the city authorities may otherwise require, and keep such space clean and in perfect order and repair thereafter. And in case said Companies shall neglect or refuse to keep clean, pave, repave or repair the aforesaid space in said Peach Street, or any part thereof, after reasonable notice from the City Engineer, the City of Erie may cause the required

Id. § 3.
Street repairs.

Paving.

(a) By resolution approved March 9, 1897, Select Council Journal U, page 307, the Erie Electric Motor Co., is required to have a conductor in addition

to a motoneer or operator on each car running on Peach street, south of 26th street. See also S. C. Journal U, page 363, and S. C. Journal W, page 362.

Feb. 26, 1901

work to be done at the cost and expense of said Companies. The said double tracks shall be so laid that the space between the inside rails of the tracks shall not be greater than four (4) feet and six (6) inches.

Id. § 4.Acceptance,

65. Said Companies shall accept (a) the provisions of this ordinance by resolution of their Boards of Directors, duly passed and certified under the corporate seals of the said Companies, within thirty (30) days after notice of the passage of this ordinance, and agree to be bound by, and comply with all the conditions thereof; and in case said Companies, or either of them, shall neglect or refuse to accept said ordinance within thirty (30) days after such notice, the said Companies shall forfeit all rights and privileges herein granted. And said Company shall, at the time of filing such acceptance with the City, furnish a bond (a) in the sum of \$5,000 executed by a Surety Company, to be approved by the Mayor and Councils, conditioned that said Company shall well and faithfully comply with all the conditions in this ordinance contained.

Forfeiture,Bond.

Ord. 1541.
Oct. 5, 1898.
§ 1. H. 192.

East Lake
Road line;

66. That the City of Erie, in so far as it has the right so to do, hereby authorizes and empowers the Erie City Passenger Railway Company, operated by the Erie Electric Motor Company, to extend and lay lines as follows: To extend East Sixth Street line by single or double track along East Avenue and Lake Road to the city limits; by single track with necessary switches along East Avenue to Atkins Street extended, and thence eastwardly along said Atkins Street to the city limits. In the event of building a double track in Lake Road, east of East Avenue, then no lines shall be built in Atkins Street, but if said Companies elect to build a single track in East Avenue and in said Lake Road, then they may build a line in East Avenue and Atkins Street (b) as herein provided together with all necessary switches and operate the same with electricity, and for said purpose said Companies are hereby authorized to erect the poles and wires required for such purpose.

DOSE

on the outside of each rail, as the case may be, shall be by Oct. 5, 1898
 them kept clean and in good order and repair at all times, so
 that said tracks will present as little obstruction as possible
 to public travel; whenever any of said streets shall hereafter Paving.
 be paved or repaved, by the City of Erie, said Companies, their
 successors or assigns, shall pay their proportion of the total
 cost of said paving or repaving; the said proportion being
 based on the number of square yards between lines drawn one
 and one-half feet outside of the outside rails of their track or
 tracks, at the total cost per square yard of the pavement, com- Assess-
 plete. The assessment against said Companies, their succes- ment.
 sors or assigns, for paving such space on such streets, shall be
 made by the City Engineer, or such officer or officers as Coun-
 cils may direct, and approved by Councils. Said Companies,
 their successors or assigns, shall be notified by the City
 Treasurer of the amount of the same, and such assessment
 shall be due and payable within thirty days from the date
 of the mailing of such notice by the City Treasurer.

69. Said Companies, their successors or assigns, shall run Id. § 4.
 cars over the entire length of either of said streets on which line Running
 or lines are built each and every day from 6 a. m. to 11 p. m., time of cars.
 making a run at least once in every thirty minutes.

70. Said Companies, their successors or assigns, shall elect Id. § 5.
 which street or streets they will build upon (a) within sixty Selecting
 days and have the same in full operation before June 1st, 1899. route.

71. Any poles erected shall be neat in appearance, and shall Id. § 6.
 be approved by the City Electrician, or such other officer or Poles and
 officers as the Councils shall designate, and erected where he wires, super-
 or they shall direct, and where reasonable arrangements can vision by
 be made for their use, said Companies, their successors or as- City Elec-
 signs, shall avail themselves of poles already erected by other trician.
 companies. All over-head wires shall be erected under the
 supervision and with the approval of the City Electrician, or
 such other officer or officers as Councils shall designate.

72. That in consideration of the privileges herein granted, Id. § 7.
 the said Companies shall carry all passengers between any One fare to
 part of said city occupied by their railway and the point where Hammer-
 the R. R. switch leading to the Behrend Paper Mill crosses the mill Paper
 Lake Road east of the city limits without additional expense Co. track.
 over and above the regular fare charged for riding between
 two points within the limits of the City of Erie.

73. Said Companies shall accept (a) the provisions of this Id. § 8.
 ordinance, by resolution of their Boards of Directors, duly Acceptance.
 passed and certified under the corporate seals of said Com-
 panies, within thirty days after the passage of this ordinance,
 and agree to be bound by and comply with all the conditions
 thereof, and said Companies, their successors or assigns, shall Bond.
 within said thirty days file a bond with the City Controller in
 the sum of \$5,000, to be signed by a surety company, and ap-
 proved by the Mayor and City Solicitor, conditioned that they,

(a) The companies decided (in acceptance) to build a single track on Lake Road. For acceptance see S. C. Journal W, page 10.
 Atkins street and also a single track on

Oct. 5, 1898

Forfeiture.

Id. § 9.
Second
Bond.Ord. 2090.
Mar. 3, 1903.
§ 1. I. 229.
Parade, 4th,
14th, Ash,
19th, Wayne,
23rd Streets
and Penna.
Avenue line.

their successors or assigns, will build said line or lines upon the said street or streets which they, their successors or assigns may elect within the time required by the provisions of this ordinance and that in the event of their failure or neglect to build as so elected that they, their successors or assigns, will forfeit this franchise, and all rights thereunder, and pay to the City of Erie the said sum of \$5,000 which is hereby agreed to be the liquidated damages for such failure or neglect, and in case said Companies, their successors or assigns, shall neglect or refuse to accept said ordinance and notify the mayor of such acceptance within said thirty days, they, their successors or assigns, shall forfeit all rights and privileges herein granted.

74. The said Companies, their successors or assigns, shall also file a bond in the sum of five thousand dollars (\$5,000), payable to the City of Erie, conditioned that they, their successors or assigns, shall faithfully comply with each and every of the provisions of this ordinance; said bond to be approved by the Mayor and City Solicitor.

75. That the Erie Electric Motor Company be and it is hereby authorized and empowered to construct and operate and maintain a single and a double track street passenger railway, together with necessary turnouts and switches, over certain streets in the city, as follows: A single track on Parade Street, north from Sixth Street to Fourth Street; thence west on Fourth Street to State Street. A double track on Parade Street south from Sixth Street, to Fourteenth Street. A single track on the following streets: East on Fourteenth Street, from Parade Street to Ash Street; thence south on Ash Street to Nineteenth Street; east on Nineteenth (a) Street to Wayne Street; south on Wayne Street to Twenty-third; east on Twenty-third Street to Pennsylvania Avenue; south on Pennsylvania Avenue to Twenty-fifth Street.

76. In granting the permission to said company to con-

77. That said Companies shall at their own expense and under the direction of the City Engineer, do all the necessary excavating to enable cars to pass freely under the railway at Ash Street subway and also under the tracks of the Nickel Plate Railway at Wayne Street, and the tracks in such subway to be located by the City Engineer.

Mar. 2, 1903
Id. § 2.

Excavating
at Ash and
Wayne
Street sub-
ways.

78. All rails shall be standard Tee rails laid flush with the street so as to offer as little inconvenience as possible to the crossing and re-crossing of the same. Tracks shall be thoroughly ballasted flush with the top of rail and grade of the street, and the City of Erie reserves the right to change the grade of any such streets to make municipal improvements of all kinds therein without liability to account to said companies, their successors or assigns, in any manner for damages directly or indirectly caused by such change or making such improvements.

Id. § 4.

T. rails;
municipal
improve-
ments;
grade.

79. The poles shall be neat in appearance and shall be approved by the City Engineer and located where he may direct. All overhead wires shall be located under the supervision and with the approval of the City Engineer or such other officer or officers as Councils shall designate. (a)

Id. § 5.

Poles and
wires.

80. Said Companies, their successors or assigns, shall keep the space between the rails of their track or tracks and one foot in width on the outside of each track in good order and repair at all times so that the tracks will present as little obstruction as possible to public travel; whenever any street, or part thereof, may be used by said companies, their successors or assigns, shall hereafter be paved or repaved by the City of Erie, said Companies, their successors or assigns, shall pave the same between the rails and one foot on the outside, with first quality vitrified brick, and the inside next to rail shall be special brick made to fit contour of rail similar to pavement on State, Eighth and Peach Streets.

Id. § 6.

Street re-
pairs.

Paving.

81. Said Companies shall forfeit this franchise unless they commence the construction of said line within thirty days after the acceptance of this ordinance and complete the same before May, 1903. (b)

Id. § 7.

Forfeiture.

83. Said Companies shall accept (c) the provisions of this cars over the entire length of said line each and every day from 6:00 a. m. until 11:00 o'clock p. m., and shall make regular trips and runs at least once in every twelve minutes.

Id. § 8.

Running
time of cars.

83. Said Companies shall accept (c) the provisions of this ordinance as herein amended by resolution of its Board of Directors, duly passed and certified under the corporate seals of said Companies, within ten days after the final passage of this amending ordinance and file a bond (c) in the sum of

Id. § 9.

Acceptance
Bond.

(a) Councils designated the City Electrician to supervise the erection of poles and wires under this ordinance. (S. C. Journal Z, page 428A).

(b) The following resolution was passed by Select and Common Councils March 9, 1903, and the same was ap-

proved by the Mayor March 11, 1903, viz: "Resolved: That the time for the completion of the Parade street trolley line by the Erie Electric Motor Co. be extended to Aug. 1, 1903." (S. C. Journal Z, page 272.)

(c) For acceptance and bond see Select Council Journal Z, page 354.

Mar. 3, 1908

Ord. 2098.
Nov. 28, 1902.
§ 1. I. 194.Buffalo
Road
Viaduct.

Id. § 4.

Right of
way over
viaduct for
Erie Elec-
tric Motor
Co.City may
also grant
right of way
to another
Co.
Rights re-
served.

\$3,000 conditioned that they will be bound by and comply with all the conditions of this ordinance. (a)

84. That the City Engineer be and is hereby authorized and directed to prepare all necessary plans and specifications for the construction of an overhead crossing, and approaches as set forth hereinafter, on the Buffalo Road, over the tracks of the Philadelphia & Erie Railroad Division of the Pennsylvania Railroad Company, between East Avenue and Pennsylvania Avenue. The said overhead crossing structure shall consist of masonry abutments; a steel bridge; a paved top and filled approaches, and the same shall be so built as to accommodate all traffic in the Buffalo Road, and to furnish a safe passage-way over the said railroad tracks. * * * * (a)

85. The said Erie Electric Motor Company, its successors and assigns, are hereby granted the right to construct and operate over the said overhead crossing, and on a portion thereof to be designated in the said plans and specifications, a single line of track, with the necessary iron poles, arms and wires, under the terms and conditions of the ordinance or ordinances heretofore enacted in relation to the line of said Erie Electric Motor Company on said Buffalo Road. The City of Erie reserves the right to grant to any other Company the privilege of operating an electric passenger railway over said crossing. No privilege or franchise shall hereafter be granted to any company for operating an electric passenger railway over said crossing until such company shall first have paid to the City of Erie a sum not less than the amount which shall have been paid to said city by the Erie Electric Motor Company for the privilege aforesaid. And the Erie Electric Motor Company, operating The Erie City Passenger Railway Company, reserves all its legal rights under the law and nothing herein contained shall be construed into its waiving such rights or giving its consent to any such privilege being granted any other party by the city or the use of its track or any part thereof. (c)

(c) So amended by Ordinance 2176 amounts above stated. Section sixth of the

Erie Traction Company.

[Formerly Erie Transit Company]

1. Erie Transit Company's line on Hazel, 29th and Myrtle Streets; conditions.
2. Rails; grades; municipal improvements.
3. Side tracks.
4. Poles and wires; City Electrician to supervise erection.
5. Shall maintain streets in good condition; paving; paving assessments.
6. Fare limited to five cents; firemen and policemen may ride free.
7. Percentage of gross receipts to be paid to City; proviso; car and pole license.

8. Guarantee deposit.
9. Bond.
10. Time to build line; forfeiture.
11. Time of running cars to Cambridge Springs.
12. Time of running cars in City.
13. Acceptance; forfeiture.
14. Myrtle Street connection with the Erie Electric Motor Company's track.
15. Conditions as provided in Ordinance 1556, Supra 2 to 7.
16. Acceptance; forfeiture.
17. Myrtle Street connection with New York, Chicago and St. Louis Railroad.

1. That the City of Erie, in so far as it has the right so, ^{Ord. 1556, Dec. 28, 1896.} to do hereby authorizes and empowers the Erie Transit Com- ^{§ 1. H. 200.} pany to construct a single line of track, together with the neces- ^{Erie Transit Co.'s line on Hazel, 29th and Myrtle Streets.} sary switches, turn-outs and cross-overs, on the following streets in the City of Erie: Commencing on Hazel Street at the southern city limits, thence running northwardly on said Hazel Street to Twenty-seventh Street, thence eastwardly on Twenty-seventh Street (a) to Myrtle Street, thence northwardly on Myrtle Street, crossing at grade the track or tracks of the New York, Chicago & St. Louis Railroad Company, its successors or assigns, to Fifteenth Street, thence eastwardly on Fifteenth Street to State Street; also on Sixteenth Street eastwardly from Myrtle Street to Sassafras Street and thence northwardly on Sassafras Street to Fifteenth Street. However, it is further understood in the granting of this franchise, that in case the said Erie Transit Company uses the said Fifteenth Street or Fifteenth Street extended, between Myrtle and Sassafras Streets for the laying of its track or tracks, then in that case so much of the right of way hereby granted on Sixteenth Street, eastwardly from Myrtle Street to Sassafras Street, and thence northwardly on Sassafras Street to Fifteenth Street, shall become forfeited by said Erie Transit Company, and shall revert back to the City of Erie as if the right of way from Myrtle Street to Sassafras Street, and thence northwardly to Fifteenth Street, had never been granted. (b) Said lines shall be operated by electricity, and said Company is hereby authorized to erect the necessary poles and wires on the said streets required for that purpose. The right to use said streets for railway purposes, and to erect poles and wires therein as aforesaid, is granted upon the conditions ^{Conditions.} enumerated in the succeeding sections of this ordinance.

2. All rails shall be girder rails, and shall be laid to con- ^{Id. § 2.} form to the grade of the respective streets, as said grades are ^{Rails.} or may hereafter be established; and the City of Erie reserves

(a) The name "Twenty-seventh st.," was changed to Twenty-ninth street by ordinance 1965, approved Feb. 25, 1902, I 106.

had been operated only as far north as 19th street.

(c) Ordinance 1809, approved Feb. 18, 1901, H 382, under title "Railroads" requires T rails on all lines laid or relaid after that date.

(b) Up to 1906 this company's track

Dec. 28, 1898
Grades.
Municipal
improve-
ments.

the right to change the grade of such streets, and to make municipal improvements of all kinds therein without liability to account to said Company, its successors or assigns, in any manner, for damages, directly or indirectly caused by such change or making such improvements.

Id. § 3.
Side-tracks.

3. Side tracks may be constructed along the line of the main track at intervals of not less than two thousand five hundred (2,500) feet from point to point of switches, and under the same regulations that apply to the main track. No side-track shall exceed two hundred (200) feet in length from point to point of switches.

Id. § 4.
Poles and
wires.
City Elec-
trician to
supervise
erection.

4. Any poles erected shall be neat in appearance, and shall be approved by the City Electrician, or such other officer or officers as the Councils shall designate, and erected where he or they shall direct, and where reasonable arrangements can be made for their use, said Company, its successors or assigns, shall avail themselves of poles already erected by other companies. All overhead wires shall be erected under the supervision and with the approval of the City Electrician, or such other officer or officers as Councils shall designate.

Id. § 5.
Shall main-
tain streets
in good con-
dition.

5. On all streets used by it, its successors or assigns, the said Company, its successors or assigns, shall keep the space between the rails of its track or tracks, and one and one-half feet in width on the outside of each rail, as the case may be, clean and in good order and repair at all times, so that its tracks will present as little obstruction as possible to public travel; whenever any street, or part thereof, that may be used by said Company, its successors or assigns, shall hereafter be paved or repaved, by the City of Erie, said Company, its successors or assigns, shall pay its proportion of the total cost of said paving or repaving; the said proportion being based on the number of square yards between lines drawn one and one-half feet outside of the outside rails of their track or tracks, at the total cost per square yard of the pavement, complete. The

Paving.
Paving as-
essments.

treasury for the rights hereby granted saving only regular or license taxes. For the period of five years, commencing at the expiration of the aforesaid two years, the said company, its successors or assigns, shall pay into the city treasury for the use of the City of Erie one per cent of its gross receipts for service within the limits of said city. For the second period of five years commencing at the expiration of the above described five year period, the Company, its successors or assigns, shall pay into the city treasury for the use of the City of Erie two per cent of its gross receipts for service within the limits of said city. From and after the expiration of said second period of five years, the said Company, its successors or assigns, shall pay into the city treasury for the use of said city three per cent of its gross receipts for service within the limits of said city, payments to be made quarterly, annually, or as desired by the City. The books of said Company, its successors and assigns, shall be so kept as to show the receipts for city service separately, and apart from the receipts for service outside of the city. All the books showing the receipts of said Company, its successors and assigns, shall be open to the inspection of the City Controller of said city at all reasonable hours; provided however, that in case a license tax is assessed and collected by the city upon the street poles or cars of said Company, its successors or assigns, at any time, the amount of license tax so assessed and collected shall be deducted from the amount payable from the gross earnings as hereinbefore provided for, if less or equal to the aforesaid per centum of gross receipts but if such a pole or car license tax is in excess of said per centum of gross receipts, then the said company shall pay the full amount of said pole or car license tax, but in that case said Company shall not be liable to pay the per centum on its gross receipts provided for in this section.

Dec. 28, 1898

Proviso.

Car and pole license.

8. Within thirty days after the acceptance of this ordinance the said Company shall deposit in the City Treasury the sum of five thousand dollars (\$5,000) conditioned that it will build said line or lines upon the streets or parts of streets named in this ordinance within the time required by the provisions hereof, and that in the event of its failure or neglect to build as aforesaid it will forfeit this franchise, and all rights thereunder and shall also forfeit to the City of Erie the said sum of five thousand dollars, which is hereby agreed to be the liquidated damages for such failure or neglect.

Id. § 8.

Guarantee deposit.

9. The said Company shall also file a bond in the sum of twenty-five thousand dollars (\$25,000), payable to the City of Erie, conditioned that it, its successors or assigns, shall faithfully comply with each and every of the provisions of this ordinance; said bond to be approved by Councils. (a)

Id. § 9.

Bond.

10. Said Company shall forfeit this franchise unless it commences the construction of its road on or before July 1st, 1899, has one mile of its track laid within the City of Erie, on or before December 1st, 1899, completes the building of its road, and has the same in full operation, within the City of

Id. § 10.

Time to build line. Forfeiture.

(a) For bond see Select Council Journal W, page 297.

Dec. 28, 1898

Id. § 11.

Time of
running cars
to Cam-
bridge
Springs.

Erie, on or before April 15th, 1900, and from Erie to Cambridge Springs on or before March 15th, 1900, and all privileges herein granted to said Company, shall on failure to so build and complete its road as aforesaid, become null and void. (a)

11. The said Company, its successors or assigns, shall operate its lines in such manner that at least one car shall be run over its road from Erie to Cambridge Springs every ninety minutes between 6 o'clock a. m. and 9 o'clock p. m., daily.

Id. § 12.

Time of
running cars
in city.

12. Said Company, its successors or assigns, shall run its cars over the entire length of its lines, within the limits of the City of Erie, each and every day from 6 o'clock a. m. until 11 o'clock p. m., and shall make regular trips at least once in every twenty (20) minutes. Cars shall leave Fifteenth Street at Peach Street, daily, at 12 o'clock midnight, and run over all the lines of said Company, its successors or assigns, in said city; provided, that on Sundays, said Company, its successors or assigns, shall only be required to run its cars over its city lines from 7 o'clock a. m. to 10 o'clock p. m., making regular trips at least once in every twenty minutes.

Id. § 13.

Acceptance.
Forfeiture.

13. Said Company shall accept the provisions of this ordinance by resolution of its Board of Directors, duly passed and certified under the corporate seal of said Company, within ninety days after the final passage of this ordinance, and agree to be bound by, and comply with all the conditions hereof; and in case said Company shall neglect or refuse to accept said ordinance, and notify the Mayor of said acceptance within said ninety days, it, its successors and assigns, shall forfeit all rights and privileges herein granted, and the same shall become null and void. (a)

Ord. 1813.
Feb. 25, 1901
§ 1. I. 1.Myrtle Street
connection
with the
Erie Elec-

14. That the Erie Transit Company be and is hereby authorized to construct and maintain a switch connecting its track in Myrtle Street with the track of the Erie Electric Motor Company in Twenty-sixth Street, under the conditions

necting the track of the said Erie Transit Company with the track of the New York, Chicago & St. Louis Railroad Company. (a) Mar. 11, 1901

(a) For acceptance see Select Council Journal X, page 638. The remaining sections of this ordinance are omitted. They are identical with sections 2 and 3 of ordinance 1813 supra 15 and 16.

Lake Shore & Michigan Southern Railroad Connections.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. David Schlosser granted permission to lay track across Sassafras Street. 2. Under supervision of City Engineer. 3. Removable at pleasure of the City. 4. Union Iron Works switch; restrictions. 5. City Engineer to supervise; grade; removal. 6. Bond. | <ol style="list-style-type: none"> 7. Effective when bond is approved. 8. Revocable. 9. Erie Car Works three tracks across Raspberry Street; restrictions. 10. City Engineer to supervise; repairs. 11. Bond. 12. Effective upon approval of bond. 13. Revocable. 14. Street to be planked; paving. |
|---|---|

1. That permission be and is hereby granted to David Schlosser to construct a railroad switch across Sassafras Street at a point about eighty-two (82) feet south of the south line of the Lake Shore & Michigan Southern Railway Company's tracks as the same are now established. Ord. 686.
Sept. 14, 1891.
§ 1. E. 147.

2. That said switch shall be constructed under the direction of the City Engineer of the City of Erie, and that the pavement on said Sassafras Street shall be replaced in as good order and condition as it now is. David Schlosser granted permission to lay track across Sassafras Street.
Id. § 2.
Under supervision of City Engineer.

3. That said switch may be removed from said street at any time that the City of Erie may deem the same a nuisance to public safety or public convenience. Id. § 3.
Removable at pleasure of the city.

4. That permission be and is hereby granted to the Union Iron Works to construct a switch in a westwardly direction across Cascade Street from the L. S. & M. S. Ry. Co.'s track to the building of said Union Iron Works on the east side of Raspberry Street, subject however, to such regulations and restrictions as the said city may hereafter pass concerning the use of said street by said Union Iron Works, their successors or assigns. Ord. 1996.
Mar. 29, 1902.
§ 1. I. 188.
Union Iron Works switch; restrictions.

5. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said Union Iron Works. The said switch shall be constructed to the grade of said Cascade Street as furnished by the City Engineer, and in case the city shall, at any future time, change the grade of said street, the said Union Iron Work shall raise or lower the said track to correspond with the newly established grade of said street, provided, that said switch shall be removed by and at the cost of the said Union Iron Works, their successors or assigns, within thirty days after notice given said Company by said City of Erie. Id. § 2.
City Engineer to supervise; grade; removal.

- Mar. 29, 1902**
Id. § 2.
Bond.
6. The said Union Iron Works shall file with the City of Erie a bond in the sum of one thousand dollars (\$1,000) with sufficient sureties, said bond to be conditioned that the said works, their successors or assigns, shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction of said switch. (a)
- Id. § 4.**
Effective when bond is approved.
Id. § 5.
Revocable.
7. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.
8. The permission hereby granted is subject to revocation at any time by the City of Erie. (b)
- Ord. 1477.**
Feb. 25, 1898.
§ 1. H. 134.
Erie Car Works' tracks across Raspberry Street; restrictions.
9. That permission be and is hereby granted to the Erie Car Works to construct three (3) tracks in an easterly direction across Raspberry Street, from the factory of the said Erie Car Works, in strict accordance with a plan filed in the office of the City Clerk of the City of Erie, marked "Plot (c) Showing Proposed New Tracks Crossing Raspberry Street," subject, however, to such regulations and restrictions, as the said City of Erie may hereafter pass concerning the use of said street, by the said Erie Car Works, its successors or assigns.
- Id. § 2.**
City Engineer to supervise; repairs.
10. That the said tracks shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair at all times by the said Erie Car Works.
- Id. § 3.**
Bond.
11. That the said Erie Car Works shall file with the City of Erie, a bond in the sum of One Thousand Dollars, with sufficient sureties; said bond to be conditioned that the said Erie Car Works, their successors or assigns, shall indemnify and save harmless, the City of Erie, from any loss or damage occasioned by the construction of said tracks. (d)
- Id. § 4.**
Effective upon approval of bond.
12. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.
- Id. § 5.**
13. The permission herein granted is subject to revocation at any time by the City of Erie.

Natural Gas.

1. Pennsylvania Gas Company granted permission to lay mains and pipes through the streets; conditions.
2. Repair of streets; damages; protection of sewers, pipes, etc.; map.
3. Uniform price for service.
4. Supervision of pipe laying.
5. Pipes to be of most approved design; not to be laid between December and March.
6. Bond; conditions; renewal of security.
7. City's right to make improvements; damages.
8. Further rules and regulations.
9. Consolidation not permitted; forfeiture.
10. Twenty-five percent reduction to City, Schools and Charity; rates not to be higher than in Cleveland or Buffalo.
11. F. F. Adams granted permission to lay mains and pipes through the streets of a portion of City; conditions.

1. That permission be, and the same is hereby granted to the Pennsylvania Gas Company to lay and maintain their mains and pipes in and through the streets, avenues and alleys of the City of Erie, for the purpose of supplying natural gas to public and private buildings in said city, for domestic and manufacturing purposes, and to make all necessary excavations in said streets, avenues and alleys, for the purpose of laying such pipes and mains, necessary street boxes and valves, and of the altering and keeping in repair the same; *provided*, and this permission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance.

Ord. 182.
Mar. 8, 1886.
C. 269. § 1.

Pennsylvania Gas Company granted permission to lay mains and pipes through the streets.

Conditions.

2. That any and all pavements, sidewalks, cross-walks, curbstones, gutters, streets or alleys, or any portion thereof displaced, disturbed or injured in any manner by said company in laying, altering, repairing or maintaining their mains and pipes, street boxes and valves, shall be immediately restored, replaced or repaired, and put in as good condition, order and repair as the same were in before being disturbed or displaced, by said company at their own expense; and in case the same are not restored or repaired as aforesaid by said company, the City Engineer or Superintendent of Streets shall have the right to so repair the same at the expense of said company; such cost and expense to be immediately paid by said company whenever notified and requested so to do by resolution of the councils of said city and upon presentation of a certified bill of such cost and expense by the City Engineer to said company or its agents.

Id. § 2.

Repair of streets.

In no case shall the city be held liable for any loss that may occur in such repairing or repair while the street, avenue or alley may remain open, and in consequence thereof; and no sewer, water pipe, gas pipe, drain or other lawful structure in or upon any of said streets, avenues or alleys, shall be in any manner tapped, injured or interfered with by said company without special permission from the City Engineer in each instance. Said company shall, from time to time, file in the office of the City Engineer, an accurate map or plan of the street or streets in which its pipes are laid, showing their location and size, together with all street boxes and valves.

Damages; protection of sewers, pipes, etc;

Map.

3. All manufactories and public and private buildings along the line of said main or lateral pipes, shall be furnished with gas at a uniform price for the same service.

Id. § 3.
C. 279.

Uniform price for service.

4. * * * The manner of laying and location of the pipes shall be under the direction and supervision of the City Engineer.

Id. § 4.

Supervision of pipe laying.

Mar. 8, 1885.
Id. § 5.

Pipes to be
of most ap-
proved de-
sign; not to
be laid be-
tween De-
cember and
March.

Id. § 6.
Bond;

Conditions.

Renewal of
security.

5. All pipes laid by said company shall be of the most approved design and quality, and shall be laid in the best manner for the protection of persons and property in said city; and no new service pipe or main shall be laid between the first day of December and the first day of March, unless special permission is first obtained from the Councils.

6. That said Pennsylvania Gas Company shall make, execute and deliver its bond (a) with proper sureties, the form of which shall be approved in writing endorsed thereon by the City Solicitor, and the sufficiency of the sureties shall be likewise approved. Said bond shall be in the sum of \$100,000, conditioned for the faithful performance of and compliance with the terms, conditions and provisions of this ordinance and further conditioned that said company will fully protect and save harmless the City of Erie from any and all actions, damages, losses, costs, charges and expenses of every kind made, suffered or incurred in any manner by reason of, in consequence of, or arising from, or connected with the use and occupation of any street, avenue or alley in said city, or resulting from the excavation of any street, avenue or alley, or any material therein, or any work thereon, or from the use, effect or explosion of gas in any of their mains or pipes after the same are laid, or by any other reason connected with the operation thereof; and in case the said city shall be compelled to pay to any persons or persons, corporations or co-partnerships for any loss or injury, or damages to any person or property, the same shall be fully paid and reimbursed to said city by said company, with all costs and expenses connected therewith or arising therefrom, and the sums so paid shall be conclusive upon said company. The sureties to the bond may at any time be required to be renewed or new sureties given whenever in the judgment of councils, the existing sureties are deemed insufficient or unsatisfactory.

Id. § 7.

7. That the City of Erie shall have the same right to make improvements in any street in which said mains and pipes are

all city property departments and to all public schools (by public school is meant every school at which instruction is furnished free of charge to the pupil), and to all charitable institutions in said city, on the lines of the streets, avenues and alleys, or public squares upon which the pipes shall be laid so long as said pipes shall be in use; the City of Erie and said public schools and charitable institutions to make all necessary connections at their own proper cost and expense. That the said company shall not charge a higher rate for same service than is charged in the cities of Cleveland or Buffalo.

11. That permission be, and the same is hereby granted to F. F. Adams to lay and maintain mains and pipes in and through the streets, avenues and alleys of the City of Erie, east of west line of Reed (a) street, and north of the main tracks of the Lake Shore & Michigan Southern Railway Company, for the purpose of supplying natural gas to public and private buildings in said city, for domestic and manufacturing purposes, and to make all necessary excavations in said streets, avenues and alleys, for the purpose of laying such pipes and mains, necessary street boxes and valves, and of the altering and keeping in repair the same; *Provided*, and this permission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance. (b)

Ord. 363.
Oct. 15, 1883.
§ 1. D. 173.
F. F. Adams
granted per-
mission to
lay mains
and pipes
through the
streets of a
portion of
the city.
Conditions.

(a) So amended by ordinance of Nov. 11, 1889, D 291-2.

(b) The remaining sections of this ordinance are substantially the same as the second, fourth, fifth, sixth, seventh and eighth sections of ordinance 182, granting a franchise to the Penn'a. Gas Co. Supra 2, 4, 5, 6, 7; 8.

Other Natural Gas Franchises, now mostly obsolete, have been granted by ordinance in the City of Erie as follows:

By ordinance No. 110, approved Mar. 25, 1884, C 157, to the Erie Mining and Natural Gas Co. for "Laying main and pipes in the streets of the City of Erie for the purpose of furnishing natural gas for lighting and heating purposes."

By ordinance No. 606, approved Dec. 20, 1890, E 57, "to Hugh Neely Fleming to lay and maintain mains and pipes in and through the streets, avenues and alleys of the City of Erie, east of the east line of Parade street and north of the north line of Eighth street, for the purpose of supplying natural gas to public and private buildings in said City, for domestic and manufacturing purposes."

By ordinance No. 106, approved March 25, 1884, C 154, to the Pennsylvania Fuel Gas Co. Limited, "The privilege of laying mains and pipes in the unpaved streets and public alleys of the City of Erie, for the purpose of furnishing natural gas for lighting and heating purposes."

By ordinance No. 479, approved Feb. 7, 1890, D 318, "To the South Erie Gas Company to lay and maintain mains and pipes in and through the streets, avenues and alleys of the City of Erie, south of Eighteenth street in said city for the purpose of supplying natural gas to public and private buildings in said city, for domestic and manufacturing purposes."

By ordinance No. 429, approved Sept. 16, 1889, D 253, to Jacob Warfel to lay and maintain mains and pipes in and through the streets, avenues and alleys within the territory bounded by East avenue, Ash street, 18th street and 28th street, inclusive, "For the purpose of supplying natural gas to public and private buildings in said city for domestic and manufacturing purposes."

New York, Chicago & St. Louis Railroad

[See Erie Traction Company]

1. New York, Chicago & St. Louis Railroad Co. permitted to lay track on 19th Street.
- Conditions—
- First.—No interference with travel.
- Second.—Street repairs.
- Third.—Damages.
- Fourth.—Shall expend \$100,000 in improvements.
- Fifth.—Forfeiture.
2. To diverge southward and cross certain streets; excavating at Wayne Street.
3. Side track permitted to cross certain streets at grade.
4. City Engineer to direct.
5. H. N. Thayer Company's Railroad switch across 18th Street.
6. How laid; repairs; grade; when removable; watchman.
7. Bond.
8. When to become operative.
9. Revocable.
10. F. W. Burnam's switch across 18th Street.
11. Construction; repairs; grade; removal; watchman; paving.
12. Bond.
13. When to become operative.
14. Revocable.
15. Jas. E. Mahoney's switch across Liberty Street.
16. Construction; repairs; grade; removal.
17. Bond.
18. When to take effect.
19. Revocable.

June 4, 1881.
§ 1. A. 576.

N. Y. C. & St. Louis R. R. permitted to lay track on 19th street.

Conditions.
1st. No interference with travel.

2nd. Street repairs.

3rd. Damages

4th. Shall expend \$100,000 in improvements.

1. That the New York, Chicago & St. Louis Railroad Company be and is hereby authorized and empowered to lay a single line of track on Nineteenth Street in the City of Erie, extending through said city, upon the conditions following, to wit:

First. That the said road be so built as to interfere as little as practicable with travel upon said street, and at a grade therewith.

Second. That so much of said street as is used by said company, and two feet each side of said track, be kept in good order and repair by said company.

Third. That said company indemnify and save harmless the City of Erie of and from all damages, if any, to which said City of Erie may directly or indirectly be subjected, by reason of said railroad being built upon said street as aforesaid.

Fourth. That within two years from the date of the passage of this ordinance said company shall expend within the limits of the City of Erie, in buildings, machinery and stationary improvements other than tracks, the sum of One Hundred

keeping them in repair. * * *Provided*, that at point of crossing Wayne Street said Railway Company shall excavate said street to a depth not exceeding three feet, so that there shall be a clear passageway beneath the railway track of ten feet, and the grading of said Wayne Street shall be done by said Railway Company or at its expense. (a) July 27, 1881

3. That the New York, Chicago & St. Louis Railroad Company, or the Erie Car Works, Limited, and others interested, are hereby authorized to build a side track from the New York, Chicago & St. Louis Railroad Company's track to the Erie Car Works, Limited, for the use of parties in the vicinity thereof, said track commencing west of the city limits and running in a northeasterly course; and are authorized to cross all streets at the grade thereof; said side track shall cross Cranberry Street about 150 feet south of Eighteenth Street; Eighteenth Street about 100 feet east of Cranberry Street; Raspberry Street near Seventeenth Street, as shown on sketch submitted with petition to Councils. Ord. 259.
Sept. 24, 1882.
§ 1.D. 169.

4. Said track when it crosses any street shall be laid as the City Engineer shall direct, and planked or otherwise arranged as the City Engineer may direct, so as to interfere with public travel as little as possible. Id. § 2.
City Engineer to direct.

5. That permission is hereby granted to H. N. Thayer Company to construct a railroad switch across Eighteenth Street in front of the property of said Company, between Holland and German Streets, west of the trolley switch, subject however to such regulations and restrictions as the said City may hereafter pass concerning the use of said street by said company, its successors or assigns. Ord. 2245.
April 13, 1904.
§ 1. J. 2.
H. N. Thayer Co.'s R. R. switch across 18th street.

6. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said H. N. Thayer Company. The said switch shall be constructed to the grade of said Eighteenth Street, as furnished by the City Engineer, and in case the City shall at any future time change the grade of said street the said H. N. Thayer Company shall raise or lower the said track to correspond to the newly established grade of said street; provided that said switch shall be removed by and at the cost of the said H. N. Thayer Company, its successors or assigns, within thirty days after notice given by said City of Erie. Said Company shall place a watchman, at said crossing, every time a shift is made. Id. § 2.
How laid; repairs; grade; when removable; watchman.

7. The said H. N. Thayer Company shall file with the City of Erie a bond in the sum of One Thousand (\$1,000) dollars with sufficient sureties, said bond to be conditioned that the said Company, its successors or assigns, shall indemnify and Id. § 3.
Bond.

(a) Ordinance of Nov. 18, 1881, A 594, permitted the N. Y. C. & St. L. Ry. Co. to build a wooden bridge over State street, the street to be cut not exceeding 3½ ft. at the expense of said company.

Ordinance 22, approved May 9, 1882, C 35, permitted said company to lower the grade of German street not to ex-

ceed two feet, provided it grade said street from 18th to 21st street and furnish the necessary drainage.

Ordinances 33 and 57, approved Sept. 11, 1882, and Feb. 19, 1883, C 48 and 76, provided for said company building an iron bridge over French street.

- April 13, 1904 save harmless the City of Erie from any loss or damage occasioned by the construction of said switch.
- Id. § 4. 8. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie. (a)
- When to become operative. Id. § 5. 9. That permission hereby granted is subject to revocation at any time by the City of Erie. (b)
- Revocable. Ord. 2604. 10. That permission is hereby granted to F. W. Burnam Nov. 28, 1906. § 1. J. 160. to lay a railroad switch across Eighteenth Street about one hundred and forty (140) feet east of Cranberry street, subject, however, to such regulations and restrictions as the said City may pass concerning the use of said street by the said F. W. Burnam, his heirs, successors and assigns.
- F. W. Burnam's switch across 18th Street. Id. § 2. 11. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said F. W. Burnam. The said switch shall be constructed to the grade of said Eighteenth Street as furnished by the City Engineer, and in case the City shall at any future time change the grade of said street the said F. W. Burnam shall raise or lower the said track to correspond to the newly established grade of said street; provided that said switch shall be removed by and at the cost of the said F. W. Burnam, his heirs, successors or assigns, within thirty days after notice given by said City of Erie. Whenever said switch shall be in actual operation for the moving of cars, etc., over it, a watchman shall be stationed near the same to protect the public from danger, and whenever said street shall be paved on both sides of said switch the said F. W. Burnam, his heirs, successors and assigns, shall pave at his own expense the space between the rails of its track and one foot in width on the outside of each rail, using the same kind of material as used in the same street on each side thereof unless said F. W. Burnam and said City otherwise agree.
- Construc-
tion; re-
pairs; grade;
removal;
watchman;
paving. Id. § 3. 12. The said F. W. Burnam shall file with the City of

ever, to such regulations and restrictions as the said City may pass concerning the use of said street by the said James E. Mahoney, his heirs, executors, administrators, and assigns. Mar. 7, 1905

16. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said James E. Mahoney. The said switch shall be constructed to the grade of said Nineteenth Street, as furnished by the City Engineer, and in case the City shall at any future time change the grade of said street the said James E. Mahoney shall raise or lower the said track to correspond to the newly established grade of said street; provided that said switch shall be removed by and at the cost of the said James E. Mahoney, his heirs or assigns, within thirty days after notice given by said City of Erie. Id. § 2.
Construction; re-
pair; grade;
Removal.

17. The said James E. Mahoney shall file with the City of Erie a bond (a) in the sum of one thousand (\$1,000) dollars with sufficient securities, said bond to be conditioned that the said James E. Mahoney, his successors or assigns, shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction of said switch. Id. § 3.
Bond.

18. That permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie. Id. § 4.
When to
take effect.

19. That permission hereby granted is subject to revocation at any time by the City of Erie. (b) Id. § 5.
Revocable.

(a) For bond see Select Council Journal 1, page 513.

(b) Ordinances were passed, similar to the foregoing, providing for the building of railroad switches connecting with the New York, Chicago & St. Louis R. R. as follows:

Across Plum street to the Continental Rubber Works on the west side of Liberty street, ordinance 2240, Aug. 26, 1903, I 313.

Two switches across Raspberry street to the Erie Car Works, ordinance 2283, Dec. 31, 1903, I 332. For bond see S. C. Journal 2, page 364.

Across Raspberry street about 25 ft. south of 17th street to the Herron-Bury Mfg. Co's. plant, ordinance 2549, Aug.

17, 1905, J 128. For bond see S. C. Journal 2, page 364.

Ordinances were passed providing for the construction of other railroad switches to connect with the New York, Chicago & St. Louis Railroad as follows:

To the factory of the Exhibition Show Case Co. on 19th street by ordinance 664, June 29, 1891, E 135.

To the Kiutner, Jones Grain Company's Mill at the corner of 19th and Liberty streets, by ordinance 1598, March 15, 1899, H 224.

To the property of the Dunning Marble and Granite Co. on the south side of 19th street, between Myrtle and Chestnut streets by ordinance 306, Dec. 27, 1887, D 83.

Pennsylvania Railroad.

[Including Philadelphia & Erie and Erie & Pittsburg Railroads.]

1. Pennsylvania Railroad Company granted permission to erect trestle over East Avenue; conditions.
2. Acceptance.
3. Metric Metal Company tracks on East 10th Street.
4. Conditions.
5. First.—No interference with travel; grade.
6. Second.—Street repairs.
7. Third.—Damages.
8. Fourth.—Time limit.
9. Acceptance.
10. Consumers Brewing Company switch.
11. Its construction; repair; grade; paving; joint use of track; removal.
12. Bond.
13. When franchise effective.
14. No storage of cars.
15. Revocation.
16. Hays Manufacturing Company's switch across Plum Street.
17. Its construction; repair; grade; removal; watchman; paving.
18. Bond.
19. When effective.
20. Revocation.
21. H. F. Watson tracks on certain water lots; revocable; notice.
22. E. & P. Poplar Street switch.
23. Under direction of City Engineer.
24. Bond.
25. Effective only when bond is approved.
26. Revocable.
27. Griswold Manufacturing Company's switch.
28. Under direction of City Engineer.
29. Bond.
30. Effective only when bond is approved.
31. Revocable.

Ord. 816.
Mar. 29, 1898.
§ 1. E. 291.

Pennsyl-
vania Rail-
road Com-
pany grant-
ed permis-
sion to erect
trestle over
East Avenue;
conditions.

1. That the Pennsylvania Railroad Company, lessee of the Philadelphia & Erie Railroad Company, be and is hereby granted permission to erect a trestle over East Avenue at a point about one hundred (100) yards south of the Lake Shore & Michigan Southern Railroad, said trestle to consist of suitable timbers, and to be erected in such manner as to leave a good and sufficient roadway in East Avenue for the passage of teams and a good and sufficient sidewalk for the passage of foot passengers, and the trestle to be built to the satisfaction of the City Engineer. It being understood and agreed between the City of Erie and the Pennsylvania Railroad Company, that said trestle shall be replaced by a suitable iron structure, to be erected as directed by Councils, whenever required by resolution of Councils after the expiration of five years from the date of the approval of this ordinance.

Id. § 2.
Acceptance.

2. That before accepting the permission by this ordinance granted, the Pennsylvania Railroad Company shall file with the City Clerk of the City of Erie, an acceptance (a) of the conditions of this ordinance, and agree to be bound by the con-

street as the same is now or may hereafter be fixed by Councils April 4, 1891
of the City of Erie.

6. That so much of said street as is used by said company ^{2nd. Street} for its tracks, and three (3) feet on each side of the right of ^{repairs.} way above granted, is to be kept in good order and repair by said Company; and at all street crossings the space between the tracks shall be kept in such condition as may be directed by the Superintendent of Streets of the City of Erie.

7. That the said Company shall indemnify and save harm ^{3rd. Damages.} less the City of Erie of and from all damages to which said City of Erie may directly or indirectly be subjected by reason of the building of the tracks of said Company upon the streets as above provided.

8. That the tracks hereby authorized to be laid, shall be ^{4th. Time} laid within four (4) months from the date of the passage and ^{limit.} approval of this ordinance.

9. That before exercising any of the privileges herein ^{Id. § 2.} granted or laying any tracks upon the streets herein mentioned, ^{Acceptance.} the said Metric Metal Company shall file with the City of Erie a certificate duly signed by its authorized officials, accepting (a) the privileges herein granted, and agreeing to each and every of the conditions and restrictions in this ordinance mentioned and contained.

10. That permission is hereby granted to the Consumers' ^{Ord. 2410.} Brewing Company of Erie, to construct a railroad switch along ^{Nov. 3, 1904.} the south side of the travelled roadway of Seventeenth Street, ^{§ 1. J. 45.} beginning at a point in front of its property on said street, not ^{Consumers'} less than one hundred (100) feet easterly from the east line ^{Brewing Co.} of Parade Street, and extending eastwardly to the terminus ^{switch.} thereof at the westerly line of the property of the Pennsylvania Railroad Company; subject, however, to such regulations and restrictions as the City may hereafter pass concerning the use of said street by said Company, its successors or assigns.

11. That the said switch shall be laid under the direction ^{Id. § 2.} and supervision of the City Engineer, and shall be kept in re- ^{Its construc-} pair by the Consumers' Brewing Company of Erie. The said ^{tion; repair;} switch shall be constructed to the grade of said Seventeenth ^{grade; pav-} Street, as furnished by the City Engineer; and in case the ^{ing; joint} City shall at any future time change the grade of said street, ^{use of track;} the said Consumers' Brewing Company of Erie, shall raise or lower the said track to correspond to the newly established grade of said street; and should the said street be paved at any time, the said Brewing Company, its successors or assigns, shall at their expense pave the space between the rails of said track, and one foot on each side thereof, with the same material used in paving the balance of said street, and should the City of Erie desire said track to be removed, at any time, ^{removal.} to the center of said street, the same shall be so removed by the said Brewing Company, its successors or assigns, at their expense, and any street railway company or other company which may hereafter occupy said street, shall be permitted to use said track jointly with the said Brewing Company; and

(a) For acceptance see S. C. Journal P, page 168, May 5, 1891.

Nov. 3, 1904

provided further that said switch shall be removed from said street by and at the cost of the said Brewing Company, its successors or assigns, within thirty days after notice given by said City of Erie.

Id. § 3.
Bond.

12. The said Consumers' Brewing Company of Erie shall file with the City of Erie a bond (a) in the sum of one thousand dollars, with sufficient sureties; said bond to be conditioned that the said Company, its successors or assigns, shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction of said switch.

Id. § 4.
When franchise effective.

13. That the permission hereby granted shall take effect after the above mentioned bond has been duly approved by the Councils of the City of Erie.

Id. § 5.
No storage of cars.

14. No part of said track shall be used for the storage of cars, but all cars used thereon shall be loaded, unloaded, and removed, without unnecessary delay.

Id. § 6.
Revocation.

15. That permission hereby granted is subject to revocation at any time by the City of Erie.

Ord. 2515.
May 23, 1906.
§ 1. J. 101.
Hays Mfg.
Co. switch
across Plum
Street.

16. That permission is hereby granted to the Hays Manufacturing Company to lay a railroad switch across Plum street between Twelfth Street and the Erie and Pittsburg R. R. subject, however, to such regulations and restrictions as the said City may pass concerning the use of said street by the said Hays Manufacturing Company, its successors and assigns.

Id. § 2.
Its construction;
repair;
grade; re-
removal;

17. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said Hays Manufacturing Company. The said switch shall be constructed to the grade of said Plum Street as furnished by the City Engineer, and in case the City shall at any future time change the grade of said street the said Hays Manufacturing Company shall raise or lower the said track to correspond to the newly established grade of said street; provided that said switch shall be removed by and at the cost of the said Hays Manufacturing Company, its successors or assigns, within thirty days after notice given by

19. The permission hereby granted shall take effect only May 23, 1905
after the above mentioned bond has been duly approved by Id. § 4.
the Councils of the City of Erie. When effective.

20. That permission hereby granted is subject to revocation at any time by the City of Erie. Id. § 5.

21. That permission be and is hereby granted to H. F. Watson to lay and maintain a track or tracks on the northerly portion of the two water lots adjoining the water lots now owned by him, and commonly designated as the "blast furnace docks." Revocation. Ord. 991
July 18, 1894
§ 1. G. 54
Provided, however, that this permission is granted to H. F. Watson upon condition that the same may be revoked by the said City of Erie whenever it shall deem it advisable to do so, upon giving the said H. F. Watson, or his assigns, sixty (60) days' notice of its intention to require the removal of said tracks from said water lots. H. F. Watson
tracks on certain water
lots:
Revocable
Notice.

ERIE & PITTSBURG RAILROAD CONNECTIONS.

22. That permission is hereby granted to the Erie & Pittsburgh Railroad Company to construct a railroad switch extending across Poplar Street, about seven feet north of the north track of the Erie & Pittsburgh Railroad, and parallel thereto. Ord. 1895.
Mar. 31, 1900.
§ 1. H. 303.
E. & P. Pop-
lar street
switch.

23. That said switch shall be laid under the direction and supervision of the City Engineer. Said switch and such part of Poplar Street as may be occupied by the same shall be kept in repair and at grade of said street, and properly planked, and so maintained by said company, its successors or assigns. Id. § 2.
Under direc-
tion of City
Engineer.

24. That the said The Erie & Pittsburgh Railroad Company shall file with the City of Erie a bond in the sum of one thousand dollars, with sufficient sureties, conditioned that the said company, its successors or assigns, shall maintain the street where occupied by said switch in good condition, and shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction or maintenance of said switch. (a) Id. § 3.
Bond.

25. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie. Id. § 4.
Effective
only when
bond is ap-
proved.

26. The privilege hereby granted is revocable at the pleasure of the Mayor and Councils of said city, and in the event of the revocation of such privilege, the said Mayor and Councils shall have the right to cause the removal of said switch from Poplar Street. Id. § 5.
Revocable.

27. That permission be and is hereby granted to The Griswold Manufacturing Co. to construct a switch in a westerly direction across Cascade Street from the Erie and Pittsburgh Ry. Co.'s track to the building of the said The Griswold Manufacturing Co. on the east side of Raspberry Street, subject, however, to such regulations and restrictions as the said city may hereafter pass concerning the use of said street by said The Griswold Manufacturing Co., their successors or assigns. Ord. 2037.
Aug. 22, 1902.
§ 1. I. 164.
Griswold
Mfg. Co.'s
switch.

28. That the said switch shall be laid under the direction and supervision of the City Engineer, and shall be kept in repair by the said The Griswold Manufacturing Co. The said switch shall be constructed to the grade of said Cascade Street, Id. § 2.
Under direc-
tion of City
Engineer.

(a) For bond see Select Council Journal X, page 114.

Aug. 22, 1902

as furnished by the City Engineer, and in case the city shall, at any future time change the grade of said street, the said The Griswold Manufacturing Co. shall raise or lower the said track to correspond with the newly established grade of said street; provided that said switch shall be removed by and at the cost of the said The Griswold Manufacturing Co., their successors or assigns, within thirty days after notice given by said City of Erie.

Id. § 3.Bond.

29. The said The Griswold Manufacturing Co. shall file with the City of Erie a bond in the sum of One Thousand (\$1,000) Dollars, with sufficient sureties, said bond to be conditioned that the said works, their successors or assigns, shall indemnify and save harmless the City of Erie from any loss or damage occasioned by the construction of said switch. (a)

Id. § 4.
Effective only when bond is approved.

30. That the permission hereby granted shall take effect only after the above mentioned bond has been duly approved by the Councils of the City of Erie.

Id. § 5.
Revocable.

31. The permission hereby granted is subject to revocation at any time by the City of Erie.

(a) For bond see Select Council Journal Z, page 60.

Pipes and Subways in Streets.

[See "Natural Gas."]

1. The Home Heating Company may use streets for pipes, etc.
2. Under supervision of City Engineer.
3. Permits; not more than two squares to be open at one time.
4. Damages and repairs to be at expense of Company.
5. Liability for damages.
6. Time to complete.
7. Bond.
8. Shall pay the City two per cent on

- gross receipts after five years; audit.
9. H. F. Watson permitted to lay water pipe in Holland Street; conditions.
10. Not to be used in competition with city water.
11. Erie Brewing Company permitted to build subway across State Street.
12. Consumers' Brewing Company permitted to build subway across 17th Street.
13. J. F. Siegel & Company to lay pipe in East Avenue; conditions; use.

Ord. 1179.
Mar. 16, 1896.
G. 219.

1. That the Home Heating Company of Erie, Pa., and its successors be and is hereby authorized and empowered to

first square has been placed in the same condition in which ^{Mar. 16, 1896.} it was prior to the opening thereof.

4. All damages caused and all repairs rendered necessary ^{Id. § 4.} by the occupancy of said street with conduits, pipes and other ^{Damages and repairs to be at expense of Co.} appliances, shall be immediately repaired by the said company at its own proper cost within such time as may be directed by the City Engineer of the City of Erie; and upon the failure of the said company to repair the street within the time mentioned within the order of the said City Engineer, then it shall be lawful for the City of Erie to cause such repairs to be made and collect the amount thereof from the said company.

5. Any damage of any kind whatsoever that may arise or be caused either to individuals or to property by excavations ^{Id. § 5.} or other work done by the said company in occupying the ^{G. 220.} street, shall be paid for by the said company, and the City of Erie shall in no event be liable therefor. ^{Liability for damages.}

6. That the Home Heating Company, of Erie, Pa., be and hereby is granted additional time and permission to erect and ^{Ord. 1476.} have its plant in operation on or before October 1st, 1898. And ^{Feb. 28, 1898.} if said plant is not at that date erected and in operation, then ^{§ 1. H. 126.} said permission hereby granted and extended to become null and void. ^{Time to complete.}

7. That said Home Heating Company within sixty days ^{Ord. 1179.} after the approval of this ordinance, shall file with the City ^{Mar. 16, 1896.} of Erie an acceptance of the privileges herein granted, subject ^{§ 7. G. 219.} to the conditions, stipulations and restrictions herein imposed and contained, and shall file a bond in the sum of ten thousand dollars (\$10,000) to be approved by the City Solicitor and the Councils of said city, conditioned for the faithful compliance of all the conditions in this ordinance mentioned and contained, and shall further agree that said bond shall be renewed whenever and as often as the City of Erie may require. (a) ^{Bond.}

8. The said Home Heating Company, from and after a ^{Id. § 8.} period of five (5) years from the date of approval of this ^{G. 220.} ordinance, shall annually pay to the City of Erie, two per ^{Shall pay the city 2 per cent on gross receipts after five years; audit.} centum of its gross receipts, and for the purpose of auditing and ascertaining the correct amount due or to become due from said company to the City of Erie, the City Controller shall have free access to the books and accounts of said company.

9. That permission be and the same is hereby granted to ^{Ord. 473.} H. F. Watson to lay and maintain pipes in and through Hol- ^{Nov. 19, 1899.} land Street from the Bay to Sixteenth Street, in the City of ^{§ 1. D. 299.} Erie, for the purpose of supplying water to be used at hisson ^{H. F. Wat- son permitted to lay water pipe in Holland Street; con-} Paper Mill, located at the corner of Sixteenth and Holland ^{ditions.} Streets, and to make all necessary excavations in said Holland Street for the purpose of laying such pipes and of the alter- ^{ing and keeping in repair the same; provided, and this per-}

Nov. 19, 1889
Id. § 5.

Not to be
used in com-
petition with
city water.

mission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance. (a)

10. Said H. F. Watson shall not use the pipe to furnish water to any other party, firm or corporation, nor for any other purpose except for the treating, washing and preparing paper and pulp, and shall continue to use the water furnished by the city for ordinary mechanical purposes.

Ord. 2286.
Aug. 16, 1904.
§ 1. J. 26.

Erie Brew-
ing Co. per-
mitted to
build sub-
way across
State Street.

11. That permission be, and the same is hereby granted to the Erie Brewing Company, of the City of Erie, to construct and maintain an arched subway not exceeding five (5) feet in width and seven (7) feet in height, in the clear, across State Street between Twenty-first Street and Twenty-second Street, in the City of Erie, for the purpose of laying and maintaining a pipe line therein; and to make all necessary excavations in said street for the purpose of constructing and repairing the same; Provided, that this permission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance. (b)

Ord. 2415.
Aug. 31, 1904.
§ 1. J. 31.

Consumers'
Brewing Co.
permitted to
build sub-
way across
17th Street.

12. That permission be and the same is hereby granted to the Consumers' Brewing Company of Erie, of the City of Erie, to construct and maintain an arched subway, not exceeding five (5) feet in width and seven (7) feet in height in the clear, across Seventeenth Street, east of the east line of Parade Street, and between said Parade Street and the west line of Wallace Street, extended across said Seventeenth Street, extending from a point in the south line of Seventeenth Street, one hundred eighteen (118) feet or thereabouts east of the east line of Parade Street, diagonally across said Seventeenth Street, to the north line thereof, at a point eighty-three (83) feet or thereabouts east of the said east line of Parade Street, for the purpose of laying and maintaining pipe-lines therein; and to make all necessary excavations in said street for the purpose of constructing and repairing the same; provided, that this

(a) The six remaining sections of, turned in constructing or repairing the

Ord. 2211.
Feb. 11, 1904.
§ 1. I. 243. permission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance. (a)

J. F. Siegel & Co. to lay pipe in East Avenue; conditions; use. 13. That permission be and the same is hereby granted to J. F. Siegel and Company, of the City of Erie, Penna., to lay and maintain in East Avenue, from a point about five hundred and sixty (560) feet north of Queen Street, northwardly about two hundred and fifty (250) feet, a six (6) inch diameter iron pipe; and to make all necessary excavations in said street, for the purpose of laying said pipe, and of altering and keeping in repair the same; provided that this permission is granted upon the express stipulations and conditions enumerated in the succeeding sections of this ordinance. Said pipe line shall be used for the purpose of conveying therein water, gravel and sand from Lake Erie. (b)

(a) The remaining sections of this ordinance are identical with the corresponding sections of ordinance 2386, Supra. For acceptance and bond see Select Council Journal 1, pages 339 and 340.

By resolution approved Nov. 25, 1905, Select Council Journal 2, page 243, the Consumers Brewing Co., was permitted to construct a concrete coal pit underneath its sidetrack on Seventeenth street, between Parade and Wallace sts.

(b) The remaining sections of this ordinance are omitted. They provide for restoring the street to its former condition after laying the pipe; that there shall be no liability on the part of

the city, nor interference with sewer, pipes, etc. in the street; directs the quality and manner of laying the pipe; provides for a \$1,000 bond to protect the city; reserve to the city the right to make municipal improvements in like manner as if such pipes were not laid; and the right to make further reasonable rules in relation thereto; provide for acceptance of the ordinance within 15 days and payment into the city treasury by said Siegel & Co. of \$25 and reserve to the city the right to revoke this grant at any time.

For bond and acceptance see Select Council Journal 1, page 57.

Telephone and Telegraph.

[See "Poles and Wires."]

1. The American District Telegraph Company to erect poles and wires; conditions.
2. Height of poles.
3. Location.
4. Every telephone a fire alarm station.
5. Eight phones to City at \$2 per month each.
6. To keep fire alarm lines in repair and erect new lines where needed by Fire Department.
7. No monopoly privileges.
8. Permission to Mutual Telephone Company to occupy streets; State Street excepted.
9. Must conform to regulations.
10. To be under supervision of City Electrician; map.
11. Bond; conditions; street repairs;

- when new bond may be required.
12. City wire to be carried free.
13. Franchise not exclusive; placing wires in City conduit.
14. Rent of conduit; space; how fixed.
15. Use of poles by other parties.
16. Must furnish good service; maximum prices.
17. Dead wires prohibited.
18. To pay City three percent under certain conditions; pole license.
19. Acceptance.
20. Forfeiture.
21. To be in operation within one year.
22. Postal Telegraph Cable Company authorized to erect poles and wires on certain streets.
23. Subject to conditions of Ordinance of October 23, 1882, and to exist as a competing company or forfeit franchise.

1. That The American District Telegraph Company, Limited, shall have, and it is hereby granted permission to erect telegraphic poles and wires, for telephonic purposes, in the streets of the City of Erie, under the following conditions, to wit:

Ord. 107.
Mar. 25, 1884.
§ 1. C. 152.
The American District Telegraph Co. to erect poles and wires; conditions:

Mar. 25, 1884

1st. Height
of poles.
2nd. Loca-
tion.

3d. Every
telephone a
fire alarm
station.

4th. Eight
phones to
city at \$2
per mo. each.

5th. To keep
fire alarm
lines in re-
pair and
erect new
lines where
needed by
fire depart-
ment.

Id. § 2.

No monopoly
privileges.

Ord. 1306.
Feb. 23, 1897.
§ 1. G. 326.

Permission
to Mutual
Telephone
Co. to occu-
py streets.
State Street
excepted.

Id. § 2.

Must con-
form to
regulations.

2. To erect poles on the main business streets of the City of Erie, at least fifty feet in height.

3. To erect all poles in such places in the street, as the Mayor, or such person as he may appoint for the purpose shall designate. (a)

4. To make every telephone in the city connected with the exchange of the said company, a fire alarm signal station without cost to the city.

5. To place additional telephones, not exceeding eight in number, at such places in the City of Erie as Councils may direct, for fire alarm, police and city purposes, at a cost not to exceed two dollars per month for each set of instruments.

6. To keep in repair, under the direction of the Fire Committee, (b) the fire alarm lines of the city, and to erect poles and wires for the use of the Fire Department, on such streets and to such points as may be reasonably necessary for the use of said Fire Department.

7. This ordinance shall not be so construed as to give the said company the exclusive right to use the streets for the purpose aforesaid.

8. That the Mutual Telephone Company, of Erie, Pennsylvania, be and is hereby authorized and empowered to use and occupy the streets, excepting those streets and parts of streets hereinafter specified, of the City of Erie, Pennsylvania, to erect poles and string wires thereon for telephonic purposes, and to maintain and operate the same; Provided, that no poles of any kind shall be erected on State Street, from Second Street to Eighteenth Street, by said company; upon the following terms and conditions only:

9. That said Company agrees to construct its lines with the necessary appliances and to maintain and operate the same in the streets of said city, at its own expense, and in conformity with the ordinances, resolutions and regulations of said city, and with a due and proper regard for the welfare of the city, and of the streets used or occupied.

All the work done pursuant to the franchise hereby granted shall be done under the supervision and to the satisfaction of the City Council, and under the direction of the local

the said Company, its successors or assigns, shall, under the ^{Feb. 23, 1897} supervision of the City Electrician, and to his satisfaction, and ^{Conditions.} to the satisfaction of the proper authorities of said city, restore that portion of the public streets in said city in which said telephone lines, poles, cross arms, or appliances, or either of them shall be built, erected or laid, to as good a condition ^{Street repairs.} as the same were in prior to the commencement of such work, inclusive of the restoration and repair of any and all pavements disturbed, torn up or injured by said work, and keep the same in good repair for a period of at least one year from the completion of said work; and as much longer as any existing guaranty of any person, firm, company or corporation, that has laid any pavement upon any of the streets of said city, and which pavement shall be disturbed by the construction aforesaid, shall run, unless such person, firm, company or corporation, shall file with the city a stipulation approved by the Mayor, to the effect that the cutting or restoring of any pavement necessary for the construction shall not operate to relieve said person, firm, company or corporation from any liability to said city under the guaranty or maintenance provision of the paving contract.

The bond given as aforesaid shall also provide that said Company will indemnify and save harmless the City of Erie from all damages and costs which it may sustain by reason of said construction and said Company, its successors and assigns, shall furnish a new bond with new sureties, to be approved as aforesaid, with like conditions, whenever required by Councils so to do or whenever the sureties, from any cause, cease to be sufficient security to the city. The said bond shall be further conditioned for the faithful compliance with each and every of the stipulations, terms and agreements in this ordinance mentioned and contained and shall be submitted to the City Solicitor, for his endorsement thereon before the same is approved by the Mayor and Councils. ^{When new bond may be required.}

12. That in consideration of the franchise hereby granted, there shall be provided and maintained by said company, its successors and assigns, on the poles, cross arms and lines erected pursuant to this permission, necessary space, free of cost, charges and rental, to carry the wires now or hereafter owned or used by the City of Erie, and the agents and employes of the said City of Erie shall, at all times, be allowed to place and repair such wires. ^{Id. § 5.} ^{City wire to be carried free. Repair.}

13. The franchise hereby granted shall not be construed as depriving the City of Erie from granting a similar permission to any other person, firm, company or corporation, nor shall this franchise be construed as depriving the City of Erie of any right to compel, at any time, on reasonable notice, the said Company, its successors or assigns, to place its wires in sub-ways built, or hereafter to be built, in any of the streets within the city. ^{Id. § 6.} ^{Franchise not exclusive. Placing wires in City conduit.}

14. The said Company, its successors or assigns, whenever notified by the city so to do shall remove its poles and overhead lines from any and all streets occupied by it in said city, and place its wires within conduits or sub-ways which may ^{Id. § 7.} ^{Rent of conduit space. How fixed.}

Feb. 23, 1897

now or hereafter be constructed or owned by said city, and shall pay for the use of said conduits or subways a reasonable rental, which, in case of disagreement as to the amount and terms of payment, shall be determined as follows: Each party shall select an appraiser, who, on failure to agree, shall select a third. Upon their failure to select a third party, application shall be made on ten days' notice to the Judge of the Court of Common Pleas of Erie County, Pennsylvania, who shall appoint a third appraiser, a majority of such appraisers shall thereupon fix the price of the rental and terms of payment, and their decision shall be final.

Id. § 8.

Use of poles
by other
parties.

15. No person, firm, company or corporation, other than the municipality itself, shall have any right to use or occupy the poles erected under and by virtue of this franchise without first having received the permission to do so by ordinance duly passed by Councils and approved by the Mayor.

Id. § 9.

Must furnish good
service.

16. It is also made a condition for the granting to the said Company the rights and privileges hereinbefore specified, that said Company shall furnish to the City of Erie and to its subscribers a good and efficient telephone service; it is further agreed that the subscribers of the Erie Exchange of said Company shall receive standard telephone services at not exceeding forty (\$40) dollars per annum for business telephones, and twenty-eight (\$28) dollars per annum for house telephones.

Maximum
prices.

Id. § 10.

Dead wires
prohibited.

17. It is further provided that no dead wire or wires not in actual service shall be maintained on the poles by the Company, its successors or assigns.

Id. § 11.

To pay city
3 per cent
under cer-
tain condi-
tions.

18. The Mutual Telephone Company, its successors and assigns, shall be liable to pay, and hereby agree to pay the city three (3) per centum per annum of all the gross receipts of the Company, its successors and assigns, whenever the same tax shall be assessed upon and collected from the other telephone company or companies doing business in the City of Erie at that time, but not otherwise, Provided, however, That

Pole license.

20. On failure of the Company to comply with and to faithfully carry out the terms and conditions of this franchise, the same shall be null and void, and of no effect. Feb. 23, 1897
Id. § 12.
Forfeiture.

21. That the rights and privileges herein are granted to the said Mutual Telephone Company on condition that the said Company will establish its exchange and have its telephones in operation within one year after the passage of this ordinance. Id. § 14.
To be in operation within one year.

22. That the Postal Telegraph Cable Company be and is hereby granted the right and privilege to erect poles and wires for telegraphic purposes in the City of Erie, as follows: Entering from the western limits of the city, eastwardly along Brown's Avenue; thence to and along Raspberry Street northwardly to Second Street; thence eastwardly along Second Street to Parade Street; thence southwardly along Parade Street to Fifth Street; thence eastwardly along Fifth Street to the eastern limits of the city; and also from Second Street southwardly on Peach Street to North Park Row, and eastwardly along the park to the office of the company situated near State Street. Ord. 600.
Nov. 18, 1890.
§ 1. E. 40.
Postal Telegraph Cable Company authorized to erect poles and wires on certain streets.
Id. § 2.

23. The privilege to erect said poles and wires as aforesaid, is granted especially subject to all the terms and conditions of an ordinance approved October 23, 1882, entitled "An ordinance regulating the erection of poles and wires in the streets of the City of Erie, to be used for telegraphic and other purposes, and providing for the right to use such poles by the City of Erie, and also providing for the protection and working of the Fire Alarm Telegraph," and also subject to the condition that if the said Company ceases to be a competing Company, said poles and wires shall be removed from the streets immediately. Subject to conditions of Ordinance of Oct. 23, 1882, and to exist as a competing company or forfeit franchise.

Garbage.

- | | |
|---|---|
| <p>1. Collection and disposal of garbage to be under control of the Board of Health.</p> <p>2. How collected and disposed of.</p> <p>3. If done under contract how to</p> | <p>be awarded.</p> <p>4. Funds for garbage cremation; how appropriated.</p> <p>5. What garbage to include.</p> <p>6. Penalty.</p> |
|---|---|

Sec. 1. That on and after the passage of this ordinance, no person or persons, firm or corporation shall engage in the business of the collection or disposal of garbage in the City of Erie, except under the direction and supervision of the Board of Health, and in accordance with the Rules and Regulations of the said Board. Ord. 2330. § 1.
Mar. 17, 1904.
I. 363.
Collection and disposal of garbage to be under control of Board of Health.

Sec. 2. The said work of garbage collection and disposal shall be done under the supervision of the Board of Health, either (1) by its employes, or (2) under a contract or contracts to be awarded by the Board of Health. Id. § 2.
How collected and disposed of.

<u>Mar. 17, 1904</u>	Sec. 3. In the event that said Board of Health shall deter-
<u>Id. § 3.</u>	mine to have said work done under a contract or contracts, the
<u>If done under contract, how to be awarded.</u>	said Board shall prepare and exhibit proper specifications for the same, stating the manner and plan of carrying on said work; the period over which said contract shall run, and all other necessary specifications and information to enable bidders to make and submit a proposal correct in form. The contract or contracts for such work shall be awarded by the Board of Health.
<u>Id. § 4.</u>	Sec. 4. The necessary funds for the erection or establish-
<u>Funds for garbage crematory, how appropriated.</u>	ment of a modern garbage crematory or reduction plant shall be appropriated by ordinance, and the funds for the maintenance of said garbage crematory or reduction plant and the proper collection of garbage throughout the city shall be appropriated annually by ordinance.
<u>Id. § 5.</u>	Sec. 5. The word GARBAGE, as used in this ordinance,
<u>What garbage to include.</u>	shall include all forms of table, kitchen and household refuse, except ashes, papers, rags and rakings from yards and gardens.
<u>Id. § 6.</u>	Sec. 6. Any person or persons who shall violate any of the
<u>Penalty.</u>	provisions of this ordinance shall be liable to a fine of not less than five (\$5) dollars, nor more than one hundred (\$100) dollars, and in default of the payment thereof shall undergo imprisonment in the county jail for a period of not exceeding thirty (30) days. (a)

(a) See Ord. 1567, approved March 16, 1899, H. 228; also Ord. 760, approved Sept. 28, 1892, E. 224; Ord. 391, approved March 30, 1899, D. 219; Ord. 30, ap-

proved Aug. 25, 1882, C. 43, and Ord. 1042, approved Jan. 16, 1895, G. 96. See also Rules 47 to 54 of the Board of Health.

agement of Board of Health; rules; maintenance.

39. Physicians to report contagious and infectious diseases; penalty.

40. House to be placarded; penalty for unauthorized removal of placards.

41. Small pox and varioloid patients to be removed to pest house unless isolated; precautions; penalty.

42. Police to arrest inmates of houses containing small pox or varioloid, if on streets without permission.

43. Contagious diseases outside the city; sanitary inspection of lake vessels; quarantine regulations.

44. Inspector of Lake Vessels; vessels to bear the expense.

45. Isolation of vessels carrying contagious diseases.

46. Salary of Inspector.

47. Penalty.

48. Diseased cattle not to be brought into the city without permit from the Mayor.

49. Conditions.

50. Penalty.

51. Deaths to be registered by Health Officer; annual report of deaths.

52. Death certificates; duties of physicians, Coroner and Health Officer.

53. Burial permits to be issued by Health Officer; death certificate a prerequisite; undertaker and physician shall sign death certificate; no burials to take place or be assisted at without permit.

54. Penalty.

55. The death register accessible to citizens; Health Officer to give certified copy of a death record without charge.

56. Form of death register.

57. Health Officer to furnish blanks.

58. Human remains not to be removed from one cemetery to another between May 1 and November 1.

59. Such removal may be made between November 1 and May 1 upon permit from the Health Officer.

60. Penalty.

61. Slaughter houses; floors to be paved, connected with sewer and provided with running water.

62. Removal of offal.

63. Butcher shops to have sewer and water connections.

64. Penalty.

1. That immediately after the passage of this ordinance, and annually thereafter, at the time and in the manner fixed by the act of May 23, 1889, the Mayor shall nominate (a) and, by and with the consent of the Select Council, appoint a Board of Health consisting of five members, who shall have and exercise the power and perform the duties under the provisions of the laws governing the City of Erie. At least three of said Board shall be reputable physicians of not less than five years' experience in the practice of their profession.

Ord. 1366.
Dec. 3, 1897.
§ 1. H. 100.

Board of
Health
created; ap-
pointment;
5 members;
3 to be phys-
icians.

2. The members of the said Board shall severally take and subscribe the oath prescribed for city officers, and shall annually organize by the choice of one of their number as president.

Id. § 2.

Oath; organ-
ization.

3. They shall elect a Secretary not of their body, who shall keep the minutes of their proceedings, and enter them in a book, to be provided for that purpose, and perform such other duties as may be directed by the Board. (b)

Id. § 3.

Shall elect a
Secretary;
duties.

4. They shall elect a Health Officer, who shall not be a member of the Board and who shall be a reputable physician of at least three years' experience in the practice of his profession, whose duty it shall be to execute the orders of the Board, and perform the duties required by law. (c)

Id. § 4.

Shall elect a
Health Off-
icer; qualifi-
cations;
duties.

5. The Health Officer shall give bond to be approved by Councils, in the sum of one thousand (\$1,000) dollars, conditioned for the faithful discharge of his duty. The Secretary of the Board shall give bond to be approved by Councils, in the sum of five hundred (\$500) dollars, conditioned for the faithful discharge of his duty.

Id. § 5.

Health Off-
icer and Sec-
retary to
give bonds.

6. The territory comprised in said city shall be divided for the purpose of this ordinance into five health districts in the manner following: The first district shall consist of that part of the City of Erie, lying north of Tenth Street, and east of State Street; the second district shall consist of that part of

Id. § 6.

The city dis-
tricted.

(a) The present Board of Health was elected by Councils in joint convention.

(b) See Rules 9 to 20, inclusive.

(c) See Rules 21 to 24, inclusive.

HEALTH DEPARTMENT.

Dec. 2, 1897

the City of Erie, lying north of Tenth Street, and west of State Street; the third district shall consist of that part of the City of Erie, lying south of Tenth Street, north of Twenty-first Street and east of State Street; the fourth district shall consist of that part of the City of Erie, lying south of Tenth Street, north of Twenty-first Street, and west of State Street; the fifth district shall consist of that part of the City of Erie, lying south of Twenty-first Street.

Ord. 331. § 1.
Mar. 14, 1898.
D. 126.

Office of
Health Officer
created.

Id. § 2.

Duties; shall
keep register
of births,
marriages
and deaths;
shall main-
tain good
sanitary
conditions.

7. That there shall be and is hereby created an officer, known as that of the Health Officer, to continue until the further order of Councils. (a) * * *

8. It shall be the duty of the Health Officer to examine all complaints in relation to nuisances, and to abate all nuisances that he may find. It shall also be his duty to examine articles of food (b) offered on the public market, and prosecute all parties offering that unfit for use. * * * The said Health Officer shall also keep a register (c) of births, marriages and deaths in said city, as now provided, and for maintaining a good sanitary condition of the city, under the above provisions, the said Health Officer shall be responsible.

Ord. 971. § 1.
Mar. 23, 1894.
G. 26.

Office of
Clerk to
Health De-
partment
created; ap-
pointment.

Id. § 2.

Duties.

9. That from and after the first Monday in April, 1894, there shall and is hereby created an office to be called Clerk to the Health Department; said clerk to be appointed by the Health Officer of the City of Erie, or by the Board of Health of the said City of Erie, should there be such Board of Health hereafter created. (d)

10. It shall be the duty of the said Clerk to the Health Department to keep all such records as may be necessary in the department wherewith he is connected, and to do and perform such other duties of a clerical character in and about said office as he may be from time to time ordered to perform by the Health Officer or by order of the Board of Health.

Ord. 2167. § 1.
April 23, 1903.
I. 209.

Salary of

11. That from and after the passage of this ordinance, the salary of the Health Officer of the City of Erie, shall be one

15. It shall be the duty of the Inspector appointed under this ordinance to inspect all food, both animal and vegetable, offered for sale in any of the public markets in the City of Erie, also to inspect all slaughter houses, meat markets, bake-shops and all other places where any article of food above mentioned is prepared or offered for sale. He shall also inspect all vehicles and stores from which milk (a) is sold in said city and perform such other duties as may be prescribed by the rules and regulations of the said Board of Health.

Mar. 10, 1905

Id. § 2.

Duties.

16. The salary of the Inspector of Food shall be \$780 per annum, payable in equal monthly installments.

Id. § 3.

Salary.

17. The said Food Inspector shall give a bond in the sum of five hundred dollars (\$500) running to the City of Erie, conditioned for the faithful performance of every duty required by the ordinance of said city and the rules, regulations and directions of the Board of Health thereof, under penalty of forfeiture of the amount of said bond.

Id. § 4.

Bond.

18. The said Food Inspector shall take the place of one of the Sanitary Policemen now called for by ordinance.

Id. § 5.

Shall replace one sanitary policeman.

MILK.

19. That from and after the passage of this ordinance, it shall be unlawful for any person or persons to sell, or keep for sale, or offer to sell any impure or adulterated milk in the City of Erie. (b)

Dec. 13, 1889,
Ord. 470. § 1.
D. 306.

Sale of adulterated or impure milk prohibited.

20. That any person violating the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than ten nor more than fifty dollars for each offense, and in default thereof may be committed to jail for a period of thirty days.

Id. § 2.

Penalty.

21. That the office of Milk Inspector for the City of Erie be and is hereby created. (b)

Ord. 471. § 1.
D. 307.

Office of Milk Inspector created.

22. That it shall be the duty of said Milk Inspector to vigilantly inspect the vehicles and place of business of all persons selling or offering for sale any milk in the City of Erie, from time to time, and whenever requested so to do by any citizen who can show reasonable grounds for said request.

Id. § 2.

Duties of Milk Inspector.

23. That in the performance of his official duties, the said Milk Inspector shall have power to enter at any reasonable hour of the day or night, upon or into the place of business or vehicle of any person selling or keeping for sale any milk, and to test and inspect any milk there kept.

Id. § 3.

Authorized to enter places and vehicles where milk is sold to test the milk.

24. That said Milk Inspector shall have power to immediately confiscate and destroy any impure or adulterated milk he may find in the place of business or vehicle he inspects.

May confiscate impure or adulterated milk.

Id. § 5.

25. That the Health Officer shall be *ex-officio* the Milk Inspector of the city. (b)

Milk Inspector.

26. That from and after the passage of this ordinance, it shall be the duty of every person or persons peddling or vending milk in the City of Erie on any regular milk route, or at any regularly established place of business, annually before the first day of July, to register his or their names, to-

July 1, 1886,
Ord. 1225. § 1.
G. 344.

Milk peddlers to register: must state where supply is obtained.

(a) See Rules Board of Health 88 to 112, inclusive.

(b) See Supra 14, Infra 26, and Rules of Board of Health 25 to 30 and 88 to 112, inclusive.

July 1, 1896

gether with the location of their routes and place of business, with the Health Officer of the City of Erie; and also to state in said registration the owners of the dairies from which the milk peddled or vended by them is obtained.

Id. § 2.Permits.

27. It shall be the duty of the Health Officer to issue a permit to such persons as may register in accordance with the terms of this ordinance, which permit shall be issued by him to the party so registering, without charges.

Id. § 3.Penalty.

28. Any person or persons violating any of the provisions of this ordinance, shall be subject to a fine of not less than one nor more than fifteen dollars, and on failure to pay said fine, shall be subject to imprisonment in the County Jail for a period of not less than three, nor more than thirty days.

PLUMBING INSPECTION.

Aug. 17, 1903.
Ord. 2215. § 1.
I. 302.

Office of
Plumbing
Inspector
created; ap-
pointment.

Id. § 2.Duties.

29. The Board of Health is hereby authorized to appoint a competent person to inspect the plumbing work done in the City of Erie, who shall serve as Inspector of Plumbing during the pleasure of the said Board. (a)

30. It shall be the duty of the Inspector appointed under this ordinance to inspect all plumbing and house drains put in any building in the City of Erie, under such regulations as may be prescribed by the Board of Health, and see that the rules and regulations of the Board of Health governing plumbing are enforced, and report all violations of the same to the said Board. Before undertaking new plumbing or any material change in plumbing already placed it shall be the duty of the plumber in charge to apply for inspection of the same.

Id. § 3.Fees.

31. Before any inspection is made by the Inspector the following fees shall be paid to the Secretary of the Board of Health by the plumber applying for the inspection:

For each water closet 75 cents.

For each bath tub 75 cents.

For each sink 50 cents.

For each laundry tub 25 cents.

Erie, conditioned for the faithful performance of every duty required by the ordinances of said City and the rules, regulations and directions of the Board of Health thereof, and further conditioned that said Inspector shall not approve or pass any plumbing job which will not meet the requisite requirements, under penalty of forfeiture of the amount of said bond. Aug. 17, 1903

REGISTRATION OF BIRTHS. (a)

35. That any physician or person practicing midwifery in the City of Erie, under whose charge or superintendence a birth shall hereafter take place, shall keep a true and exact register of said birth, and shall enter the same on blanks to be furnished by the Health Officer, which blank shall set forth, as far as can be ascertained, the full name, sex and color, and the day and place of its birth, and the full name and nativity of its father and mother, including the mother's name before marriage. Oct. 20, 1896.
Ord. 1253. § 1.
G. 272.
Duties of
midwives.

36. That said blank, properly filled and signed by the said practitioner in the form of a certificate, shall be delivered at the end of every month, or within ten days thereafter, to the Health Officer, and in case the birth of any child shall have occurred without the attendance of a physician or practitioner of midwifery, it shall then become the duty of the parent or parents of such child to report its birth to the said health officer, in the manner and form and within the period above required. Id. § 2.
Shall report
monthly to
Health Officer;
duty of
parents.

37. Any violation of, or failure to comply with any of the sections of this ordinance, shall subject the persons so offending to a penalty of not less than twenty dollars, nor more than fifty dollars. Id. § 3.
Penalty.

HOSPITAL.

38. The management, care and control of said municipal hospital are hereby vested in said Board of Health, who are hereby empowered to make and enforce such rules and regulations in relation thereto as they may deem proper. Said hospital shall be maintained by appropriations made annually by Councils, which appropriations shall be expended by the Board of Health as provided by law. (b) Mar. 27, 1902.
Ord. 1950. § 4.
I. 128.
Municipal
Hospital under
management of
Board of
Health;
rules; main-
tenance.

CONTAGIOUS DISEASES. (c)

39. * * * * It shall be the duty of each and every practicing physician in the City of Erie to report to the Mayor or Chief of Police (d) in writing, not less than once a week, every case of dangerous, contagious or infectious disease under his charge, with the name and residence of the person or persons having any such disease; and any physician who shall neglect or refuse to make a report as aforesaid shall forfeit and pay the sum of fifty dollars (\$50) for each and every such neglect or refusal. (d) Jan. 18, 1864.
§ 1. A. 160.
Physicians
to report con-
tagious dis-
eases;
penalty.

(a) See Rules 148-9.

(b) This part of the ordinance provides for the purchase of land and erection of a Municipal Hospital thereon. The hospital was erected in 1903, \$15,000 municipal bonds having been issued

therefor, under Ordinance No. 1893. See Rule 123.

(c) See Board of Health Rules 120 to 145.

(d) Now "Board of Health." See Rule 120.

Jan. 18, 1864

Id. § 2.

House to be
placarded;
penalty for
unauthorized
removal of
placards.

40. It shall be the duty of the Mayor (a) to cause placards, having thereon the name of the disease in English and German, to be placed upon every house or building containing any person sick with any dangerous, infectious or contagious disease, such placard to remain thereon until the physician in charge shall certify to the Mayor (a) that all danger of further contagion from such person or premises has ceased; and if any person shall remove such placard before such certificate is given, the person so offending shall forfeit and pay the sum of twenty dollars (\$20) for any such offense.

Id. § 3.

Small pox
and varioloid
patients to
be removed
to pest house
unless iso-
lated; pre-
cautions;
penalty.

41. If any person in said city shall be sick of small-pox or varioloid, such person shall forthwith be removed to the pest house prepared by said city for the reception of persons sick of said diseases, unless satisfactory evidence is afforded the Mayor that suitable precautions have been taken by the family or friends of such sick person to prevent the spread of the contagion from such person; and the Mayor is hereby authorized to prescribe such precautions as he shall deem expedient for that purpose, and any person who shall neglect or refuse to comply with the orders of the Mayor, made for the purpose aforesaid, shall forfeit and pay the sum of fifty dollars (\$50) for every such neglect and refusal, in addition to the liability to removal of the sick person as aforesaid.

Id. § 4. A. 161.

Police to ar-
rest inmates
of houses
containing
small pox
or varioloid,
if on streets
without per-
mission.

Oct. 23, 1886.
Ord. 165. § 1.
C. 238.

Contagious
diseases out-
side the city;
sanitary in-

42. It shall be the duty of the police constables of the city to arrest and bring before the proper authority any person being an inmate of any house or building in which is a person sick with the small-pox or varioloid, who shall, without permission from the Mayor, be found in the streets of said city, or in any crowd or assemblage of citizens.

43. That whenever contagious or infectious diseases, of a dangerous nature, are prevalent at any point without the limits of the City of Erie, and in the opinion of the Health Officer safety to the public health requires that vessels entering the Port of Erie shall be inspected in order that the introduc-

shall be detained and notice immediately given to the Health Officer, who shall take all such steps as he shall deem necessary to protect the public, by removing those diseased to proper places for treatment, and by having the vessel and cargo disinfected, all the costs thereof to be borne by the vessel. Oct. 28, 1885

45. It shall be the duty of the commanding officer of any vessel coming into the Port of Erie with any such diseased persons aboard to anchor such vessel at such point within the Harbor as the Health Officer shall direct, and there to remain until the Health Officer shall issue a permit for such vessel to leave; and while so stationed, it shall be the duty of those having charge thereof, as also of all persons aboard the same to obey all such reasonable rules and regulations as the Health Officer may prescribe; but it shall be the duty of the Health Officer to grant a permit to any person aboard such vessel to go ashore, at the earliest moment safety to the public health will permit. Id. § 3.
Isolation of
vessels car-
rying conta-
gious dis-
eases.

46. Any Inspector appointed under the provisions of this ordinance shall receive such salary as Councils by resolution shall direct. Id. § 4. C. 289.
Salary of
Inspector.

47. Any person violating any of the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than ten nor more than one hundred dollars, to be collected by action of debt or by summary process as said city may elect; and if any penalty imposed together with the costs be not paid, the party convicted shall be imprisoned, or put to labor on the streets of the city or elsewhere, for a period not exceeding thirty days unless such penalty and costs be sooner paid. Id. § 5.
Penalty.

48. That from and after the passage of this ordinance it shall not be lawful to drive into the City of Erie, or unload from the cars therein, any diseased cattle of any kind, or any cattle likely to communicate disease to other stock without first having obtained from the Mayor a permit so to do. Oct. 20, 1885.
Ord. 164. § 1.
C. 286.
Diseased cat-
tle not to be
brought into
the city with-
out permit
from the
Mayor.

49. It shall be lawful for the Mayor, in issuing such permit to impose such conditions as may be requisite to protect the public interests, or, if deemed necessary, to refuse such permit, and prohibit such cattle from being unloaded from the cars within the city limits, or from being driven into, or through said city, and to use all lawful means to enforce such prohibition. Id. § 2.
Conditions.

50. Any person or persons, corporation or corporations violating the provisions of this ordinance, shall forfeit and pay to the City of Erie, a penalty of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each and every offense, to be collected by action of debt or summary process as said city may elect. And if any judgment imposed be not immediately paid, the defendant shall be sentenced to be imprisoned, or be put to hard labor upon the streets or elsewhere not to exceed thirty days. Id. § 3.
Penalty.

REGISTRATION OF DEATHS. (a)

51. That from and after the first day of July next, the Mar. 16, 1875.
§ 1 A. 461.
Deaths to be
registered
by Health
Officer.

(a) See Rules 153-6.

Mar. 16, 1875.

Annual re-
port of
deaths.

Councils of the City of Erie shall supply the Health Officer of the City of Erie with separate books, in which he shall register, in the manner hereinafter directed, the returns made to him of the deaths which may occur within the said city. He shall cause an abstract of the same to be made in the month of February next ensuing, and annually thereafter in said month to the City Councils aforesaid, through the health committee, which abstract shall contain a statement of the number of deaths, with the reputed cause thereof, which have occurred in the said city during the next year preceding the 1st day of January, with such other information and suggestions in relation thereto as he may deem of practical utility for the promotion of public health and of general interest to the city. (a)

Id. § 2

Death certifi-
cates; duties
of physi-
cians, coroner
and Health
Officer.

52. That whenever any person shall die in the City of Erie, it shall be the duty of the physician who attended his or her last sickness, or of the coroner, when the case comes under his notice, to furnish within forty-eight hours after the death, to the Health Officer, a certificate setting forth, as far as the same can be ascertained, the full name, sex, color, age and condition (whether married or single) of the person deceased, and the cause and date of death. And in case any person shall die without the attendance of a physician, or if the physician who did attend at the time of the death refuses or neglects to furnish such certificate, it shall be the duty of the Health Officer, upon being notified thereof, to make the necessary examination in such cases, and to give a certificate of death as aforesaid; provided it be not a case requiring the attendance of the coroner. (b)

Id. § 3.

Burial per-
mits to be
issued by
Health Of-
ficer.
Death certifi-
cate a pre-
requisite.

53. That it shall be the duty of every undertaker, or other person, before removing any corpse for burial within the city or elsewhere, to obtain from the Health Officer a permit so to do, which shall be granted by the said officer. But, before obtaining such permit, he shall deposit with said Health Officer the physician's or coroner's certificate, together with his own certificate, setting forth as near as can be ascertained, the birth

to perform any of the duties required by the same, he, she or they shall forfeit and pay for every such offense, to and for the use of said city, a sum of not less than five dollars, nor more than fifty dollars, which sum or sums shall be recoverable as debts of like amount, and on non-payment of the same, a *capias ad satisfaciendum* may issue.

55. That the said register shall at all times be accessible to any citizen or citizens, and the Health Officer shall at all times, when requested, grant certificates, or certified copies of the record of any death, without charge.

56. That in order to secure uniformity and dispatch in the registration herein provided for, the book shall contain upon the margin of each page, printed titles with corresponding blanks for suitable entries for deaths in the order, to wit:

Full name of deceased, color, sex, age, married or single, occupation, date of death, cause of death, birth place, ward, number and street of late residence, time of residence therein, place of previous residence, place of intended interment, date of intended interment, date of certificate, date of registration.

57. That the Health Officer shall keep on hand, at all times, a supply of blanks for gratuitous distribution to all persons whose duty it shall be to make returns under this ordinance.

58. That hereafter it shall not be lawful for any person or persons to remove the remains of any person or persons from one cemetery or burial place to another cemetery or burial place between the first day of May and the first day of November of each and every year. (a)

59. Such removals may be made between the first day of November and the first day of May of each and every year, but only upon obtaining a permit therefor from the Health Officer, and subject to such regulations as the Health Officer may deem necessary to protect the public. (a)

60. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of one hundred dollars for each and every offense, to be collected by action of debt, or by summary prosecution as said city may elect, and in default of payment of any judgment so obtained the defendant shall be imprisoned not exceeding thirty days.

SLAUGHTER HOUSES AND MEAT MARKETS.

61. That the owner or owners of each and every slaughter house within the limits of the City of Erie are hereby required to pave the floors of the same with stone or brick laid in cement, to connect same with the public sewerage of said city by a sewer at least nine inches in diameter, protected in said slaughter house by a wire sieve, and to have it provided with water running into the same at least three fourths of an inch in diameter. (b)

62. That the owner of each and every slaughter house within the limits of said city shall cause the offals to be at once removed to the places designated for such matter by the Health Officer of said city.

Mar. 16, 1875.

Id. § 5. A. 462.

The death register accessible to citizens; Health Officer to give certified copy of a death record without charge.

Id. § 6.

Form of death register.

Id. § 7.

Health Officer to furnish blanks.

Sept. 17, 1883. Ord. 78 § 1. C. III.

Human remains not to be removed from one cemetery to another between May 1 and Nov. 1.

Id. § 2.

Such removal may be made between Nov. 1 and May 1 upon permit from Health Officer.

Id. § 3.

Penalty. Aug. 19, 1873. § 1. A. 425.

Slaughter houses; floors to be paved, connected with sewer and provided with running water.

Id. § 2.

Removal of offal.

(a) See Rules 162-167.

(b) See Rules 64-68 of Board of Health.

Aug. 19, 1873Id. § 3.Butcher
shops to
have sewer
and
water con-
nections.Id. § 4.

Penalty.

63. That the owner or owners of each and every butcher shop or enclosed meat market within the limits of said city shall connect the same with the public sewerage of said city, and provide the same with clear water. (a)

64. That any person or persons violating any of the provisions of this ordinance shall, upon conviction thereof, be subjected to a fine for use of said city of twenty-five dollars for the first offense, fifty dollars for the second offense, and subsequent offenses not to exceed one hundred dollars each, said fines to be imposed and collected as like fines are now imposed and collected by law in said city.

(a) See Rule 86 of Board of Health.

RULES AND REGULATIONS

— of the —

BOARD OF HEALTH (a)

Approved April 4, 1898, except otherwise stated.

ORGANIZATION

1. Sec. 1. The Board shall meet on the first Monday in April of each year and elect a President to serve for one year, and a Secretary and Health Officer who shall hold their offices during the pleasure of the Board.

2. Sec. 2. They shall appoint one Food Inspector, one Inspector of Plumbing, and as many Sanitary Policemen as the needs of the Department may require, each and all of whom shall serve during the pleasure of the Board. Any vacancies in these offices may be filled at any regular or special

the Board. Said notice shall state the time and object of said meeting, and shall be given by the Secretary at the request of the President or any three members of the Board.

5. Sec. 3. Three members of the Board shall constitute a quorum.

DUTIES OF THE OFFICERS OF THE BOARD.

PRESIDENT.

6. Sec. 1. The President shall preside at all meetings of the Board and perform such other duties as custom and parliamentary usages require.

7. Sec. 2. The President shall approve all warrants for the payment of all employees and for such other bills as may be contracted for the Department by the Secretary and the Health Officer in the regular discharge of their duties.

8. Sec. 3. In the absence of the President a temporary President shall be chosen by the Board.

SECRETARY. (a)

9. Sec. 1. The Secretary shall keep the records and conduct the correspondence of the Board.

10. Sec. 2. He shall be custodian of all books, documents, furniture and other property of the Department.

11. Sec. 3. He shall give proper and timely notice of every regular and special meeting to each member of the Board and shall, as Secretary, perform such other duties of a clerical character as the Board shall from time to time direct.

12. Sec. 4. He shall, during the absence of the Health Officer, perform the duties of the Health Officer under the direction of the Board.

13. Sec. 5. He shall make out and countersign all permits for the burial or removal of dead bodies in or about the city, and for the transportation of bodies, by rail or otherwise, to other places for burial.

14. Sec. 6. He shall countersign all notices, certificates, etc., issued by the Inspectors of Food and Plumbing.

15. Sec. 7. He shall make out and sign, under the seal of the Board, all transcripts of marriages, births and deaths from the registration records of the Board.

16. Sec. 8. He shall make out and countersign all licenses for the sale of milk, and such other licenses as may be issued by the Board.

17. Sec. 9. He shall sign all warrants for payment of employees, and for such other bills as may be contracted for the Department.

18. Sec. 10. He shall receive such fees and penalties as may from time to time be paid to the Board, and make return of the same to the City Treasurer at least once a month.

19. Sec. 11. He shall submit a monthly report of all the official acts of the employees of the Board at the regular meetings of the Board.

20. Sec. 12. He shall give a bond in the sum of five hundred dollars (\$500) for the faithful discharge of his duty, and shall receive such compensation for his services as the Board may fix and allow.

HEALTH OFFICER. (b)

21. Sec. 1. The Health Officer shall be the executive officer of the Board in all things, and shall strictly enforce all the rules and regulations

(a) See Ord. 971, approved Mar 28, 1894, G. 25, and Ord. 1366, approved Dec. 2, 1897, H. 109, Par. 3 and 9 Health De-

partment.

(b) See Ord. 331, approved March 14, 1888, D. 126 Supra.

of the Board, or cause the same to be done by the employes of said Board, and for the purpose said Health Officer shall have and exercise the powers and authority of a policeman of the city.

22. Sec. 2. He shall sign all licenses and permits issued by the Board.

23. Sec. 3. He shall, at the regular January meeting of the Board, make a full report of all the official acts of all the employes of the Board during the preceding calendar year, accompanying the same with the recommendation of such measures as he shall deem necessary for the better preservation of the public health and the faithful execution of the law. This report shall form the basis of the annual report of the Board to Councils in accordance with Section 119 of the Act providing for the creation of said Board.

24. Sec. 4. He shall give a bond in the sum of one thousand dollars (\$1,000) for the faithful discharge of his duty, and shall receive such compensation for his services as the Board may fix and allow.

INSPECTOR OF FOODS. (a)

25. Sec. 1. The Inspector of Food shall inspect all wagons and stores from which milk is sold in the city, and shall take samples of milk therefrom and procure an analysis of the same at least once a month.

26. Sec. 2. He shall make monthly inspections of all wholesale and retail meat markets and slaughter houses in the city.

27. Sec. 3. He shall inspect all bakeries and bakers' wagons at such times as the Health Officer may direct.

28. Sec. 4. He shall sign all notices and certificates of inspection required by the rules and regulations governing food supplies.

29. Sec. 5. He shall perform such other duties as the Health Officer or Secretary may require.

30. Sec. 6. He shall receive such compensation for his services as the Board may fix and allow.

INSPECTOR OF PLUMBING.

31. Sec. 1. The Inspector of Plumbing shall be a reputable Master



performance of his duty, and shall receive such compensation for his services as the Board may fix and allow.

SANITARY POLICEMEN.

37. Sec. 1. It shall be the duty of the Sanitary Policemen to make frequent inspections of the streets, alleys, lots and streams of the city and such part of Presque Isle Bay as comes under the jurisdiction of the city.

38. Sec. 2. They shall, at the order of the Health Officer or Secretary, inspect barns, stables, cellars, privies, cess-pools, drains, poultry coops, pig-pens, and other outhouses.

39. Sec. 3. They shall see that all the rules and regulations of the Board are rigidly observed and report any violations thereof to the Health Officer or Secretary, and perform such other duties as the Health Officer or Secretary may require.

40. Sec. 4. They shall receive such compensation for their services as the Board may fix and allow.

NUISANCES.

41. Sec. 1. Anything that is dangerous to human life or health, or that renders the air, soil, water or food impure or unwholesome, is a nuisance and the maintenance thereof is illegal, and any person aiding or contributing to the same or who may support or continue it in any manner whatsoever shall be deemed guilty of a violation of these rules and liable for the fines and expenses of the abatement thereof.

42. Sec. 2. No person shall throw, place or conduct, or suffer his or her family, servant, servants (or agents (a)) to throw, place or conduct into any alley, street or lot any putrid or unsound matter, filth or offal whatsoever, or anything liable to become putrid, unsound or offensive or in any manner prejudicial to the public health, nor shall any person or persons allow such filth, offal or other offensive matter as aforesaid to be or to remain upon their premises or in any stable, outhouse, privy or other place owned or occupied by them, or in any alley or street adjacent to the property owned or occupied by them.

43. Sec. 3. If any person or persons shall own, occupy or keep any grounds or other premises in such condition as to be offensive to the neighborhood, he, she or they shall be subject to such fine or penalty as is hereinafter provided.

44. Sec. 4. Whenever any nuisance (effecting or endangering the public health) shall be found on any premises within the City of Erie contrary to any regulation of this Board, the Health Officer is hereby authorized to cause the same to be abated in such manner as the Board of Health may direct and at the expense of the person or persons so offending. When a nuisance exists on any property in this city and the owner or owners of said property live outside of the city, or cannot be found after diligent search, the Board of Health may remove or abate said nuisance, and the expense of so doing shall be recovered from the responsible party or parties as debts of like amount are by law recoverable. (a)

45. Sec. 5. No person or persons shall place or cause to be placed in any part of Presque Isle Bay or streams emptying therein, any dead carcass, garbage or any putrid or unwholesome animal or vegetable substance whatsoever.

(a) So amended Nov. 7, 1901, page 81 of Health Record.

SPITTING.

46. Sec. 1. No person shall spit upon any sidewalk, on the floors or steps of any street car or other conveyance, or upon the floors of stores, factories, theaters, halls, or other public buildings in the City of Erie.

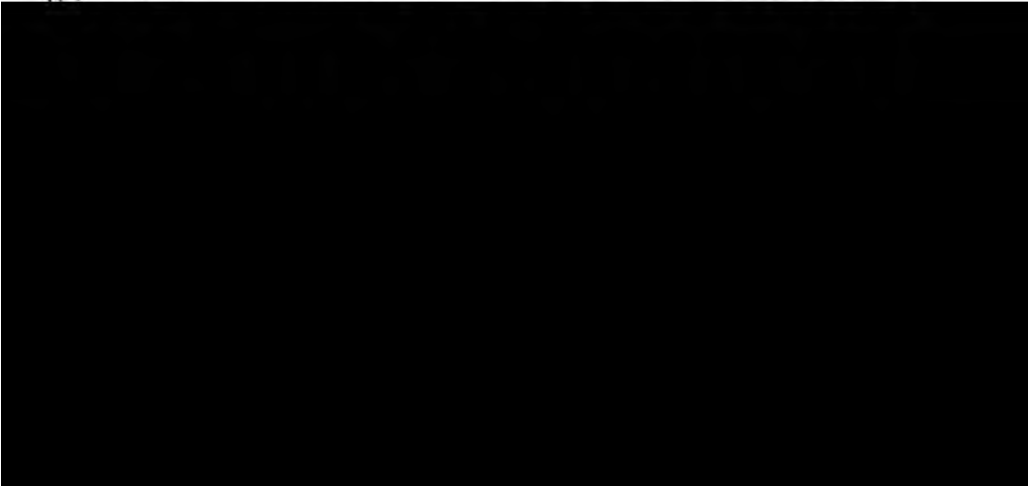
The owners, lessees, managers, or other persons in charge of said street cars, factories, theaters, halls, and other public buildings shall post conspicuous notices of the above, in letters not less than one inch in height, and instruct their employes, or take such other steps as will insure a strict observance of this regulation. (a)

GARBAGE. (b)

47. Sec. 1. That for the purpose of these rules and regulations the word "Garbage," shall be held to include all kitchen and table refuse, offal, all general combustible waste, as paper and rags, pasteboard boxes, berry boxes, swill and every accumulation of animal and vegetable matter that attend the preparation, decay, dealing in or storage, of meats, fish, fowl, game, or vegetables, also whole bottles and empty tin fruit or vegetable cans, but not dish or waste water, or slops of any kind.

48. Sec. 2. All housekeepers, boarding house keepers, hotel keepers, butchers or store keepers, keeping or offering garbage for collection shall provide for the storage of their garbage a water tight metal receptacle, provided with two handles and a tight fitting cover and holding not more than two bushels. Said cans to be kept in a place easily accessible to the garbage collectors, but never upon any street, alley, sidewalk or other public place. And such receptacle shall be thoroughly cleaned after it has been emptied by the collector.

49. Sec. 3. No person or persons shall throw or deposit, or cause or permit to be thrown or deposited, by agents or otherwise, any garbage, refuse, offal or other waste material whatsoever, upon any street, alley, gutter, lot or public grounds inside the City of Erie, or into any stream or streams, or into any part of Presque Isle Bay running through or adjacent to said city, nor shall any person or persons burn, or cause or allow to be burned, any garbage, refuse, offal or other waste material whatsoever, upon any street, alley, commons or other public place, nor upon any premises in the open air, within the limits of the said City of Erie.



dead animal, or part thereof, not killed for human food, without having first obtained, from the Board of Health a license or permit to collect and dispose of such garbage, refuse, offal or other waste material. No license or permit shall be granted, however, until the person or persons, firm or corporation desiring the same shall have provided suitable boxes or tanks, and mounted on wheels, in accordance with the rules and regulations of the Board of Health, and the same approved by the said Board of Health.

52. Sec. 6. No crematory or reduction plant for the disposal of garbage shall be erected or operated within the City of Erie until the person or persons, firm or corporation, intending to erect or operate the same shall have submitted to the Board of Health, for their approval, full plans in detail of the same. That said crematory or reduction plant shall contain a stench consuming device whereby all offensive and noxious odors or vapors arising from the destruction or reduction of said garbage, refuse or other waste material shall be wholly destroyed therein, and shall have produced satisfactory evidence that the plant has been in successful operation in the manner, and for the purposes described herein. All crematories or reduction plants shall be kept in a sanitary condition and shall, at all times, be subject to inspection by the Board of Health or its employees. Before any license shall be granted to any person or persons, firm or corporation for the collection or disposal of garbage, such person or persons, firm or corporation shall deposit with the Board of Health for their approval, a bond in the sum of one thousand dollars (\$1,000) with good and sufficient sureties for a faithful compliance with all the rules and regulations of the Board of Health of the City of Erie, relating thereto.

53. Sec. 7. No person or persons, firm or corporation, shall remove or cause to be removed by agent or otherwise any garbage, refuse, offal, or other waste material whatsoever, without first having provided for that purpose, iron or steel boxes or tanks mounted on two or four wheels, and said boxes or tanks shall be made and kept perfectly water tight and shall be securely and tightly covered, so as to prevent the contents or any odor from escaping therefrom, and while in motion, said covers shall be closed and securely fastened and while being loaded the wagon shall not be uncovered more than one-half, nor shall it remain open at any one time for a longer period than ten minutes, and every such box or tank shall be kept clean and in good sanitary condition and shall be subject, at all times, to inspection by the Board of Health or its employees.

54. Sec. 8. All garbage, refuse, offal, or other waste material, shall be collected and removed from private residences, promptly, thoroughly, and in a cleanly manner at least once a week, from November 1st to April 30th, inclusive, and at least twice a week from May 1st to October 31st, inclusive, and from hotels and restaurants daily.

55. Sec. 9. Any person or persons, firm or corporation, violating any section, or part thereof, of these rules and regulations, shall, upon conviction before a duly authorized magistrate, be sentenced to pay a fine of not less than five dollars (\$5), or more than one hundred dollars (\$100), or undergo an imprisonment in the County Jail for a period not to exceed 30 days, or both, at the discretion of the aforesaid duly authorized magistrate.

DEAD ANIMALS.

56. Sec. 1. No person or persons shall place or cause to be placed in any alley or street or upon any yard or vacant lot of this city, any

animal carcass, fish offal, or other offensive animal matter whatsoever except for the purpose of immediate burial, and not then without permission of the Board.

NOXIOUS TRADES.


57. Sec. 1. No person, firm or corporation shall erect or maintain any manufactory or place of business dangerous to life or detrimental to health, or where unwholesome, offensive or deleterious odors, gas, smoke, deposit or exhalations are generated, within one mile of the limits of the City of Erie, without a permit from the Board of Health, and all such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health, nor shall any offensive or deleterious waste-substance, refuse or injurious matter be allowed to accumulate upon the premises or be thrown or allowed to run into any public waters, stream, water-course, street, road or public place. And every person or company conducting such manufactory or business shall use the best approved appliances, and all reasonable means to prevent the escape of smoke, gases and odors, and to protect the health and safety of all operatives employed therein.

58. Sec. 2. The business of bone and horse boiling shall not be allowed, unless conducted under cover, the building to be provided with smoke consumers, and due regard to be had to cleanliness in the disposition of the offal. No bone boiling establishment or depository of dead animals shall be kept or erected in any part of this city, without a permit from the Board of Health.

59. Sec. 3. No permit shall be granted to any person or persons to carry on the business of boiling bones and dead animals until after a careful inspection of the locality, buildings and apparatus, and of the plans for conducting the business, by any accredited inspector of the Board of Health.

60. Sec. 4. No bone boiling establishments or depositories for dead animals shall be kept or erected in or near to a thickly inhabited neighborhood.

61. Sec. 5. That the floors of all bone boiling establishments and depositories for dead animals shall be paved with asphalt or brick or



slaughter house by a wire sieve, and shall be provided with water running into the same through a pipe at least three-fourths of an inch in diameter.

65. Sec. 2. No person or persons, without the consent of the Board of Health, shall build or use any slaughter house within the limits of this city; and the keeping and slaughtering of all cattle, sheep and swine, and the preparation and keeping of all meats, fish, birds or other animal food, shall be in the manner best adapted to secure and continue their wholesomeness as food; and every butcher or other person owning, leasing or occupying any place, room or building wherein any cattle, sheep or swine have been or are killed, lessee or occupant of any room or stable wherein any animals are kept or of any market, public or private, shall cause such place, room or building, stable or market, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome and offensive matter to be removed therefrom at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to, and shall also at all times keep all wood-work, save floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed; and the floors of such building, place or premises shall be so constructed as to prevent blood or foul liquids or washings from settling in the earth beneath.

66. Sec. 3. No blood-pit, dung-pit, or privy well shall remain or be constructed within any slaughter house in the City of Erie. Any one offending against this rule shall be guilty of creating and maintaining a nuisance prejudicial to the public health, and shall be required to remove the nuisance within five (a) days from the date of notice.

67. Sec. 4. The owners, agents, or occupants of all slaughter houses in this city are required, during the months of June, July, August and September, to distribute twice in each week not less than twenty-five pounds of chloride of lime about the premises, and also to remove the contents of any manure pit or manure pile on the premises, once in each week, the said premises and contents of manure-pits being hereby declared to be nuisances prejudicial to the public health, unless subject to frequent disinfection and cleaning as herein indicated.

68. Sec. 5. The owner or owners of each and every slaughter house in the City of Erie shall dispose of the offal and other refuse in a sanitary manner outside the city limits.

WELLS AND SPRINGS.

69. Sec. 1. Water from any well or spring shall not be used for drinking or other domestic purposes where it is possible to make connection with the city water, nor in any instance where said well or spring is within one hundred feet of any privy vault, cesspool or other source of contamination, nor in any other case when, in the opinion of the Board, the use of water from said well or spring would be in any way a menace to the public health.

ICE.

70. No person or persons, firm or corporation, engaged in the business of selling or using ice for the purpose of preserving or cooling any article used for human food or drink, shall cut said ice from any stagnant pond or pool, or within 2,000 feet of the outlet of any sewer or drain from which sewerage is discharged, nor from any slip or basin on the south side of Presque Isle Bay.

(a) So amended Nov. 7, 1901, page 81 of Health Record.

HEALTH DEPARTMENT RULES.

STAGNANT POOLS.

71. Sec. 1. No person or persons, firm or association, shall cause, suffer or keep upon any occupied or vacant lot in this city, any pool, pond or accumulation of stagnant water, which may in any manner whatsoever be or become a menace to the public health.

CESSPOOLS.


72. Sec. 1. No cesspool shall be maintained in the City of Erie, where it is possible to have a sewer connection, and shall in no case be within twenty feet of a dwelling or within one hundred feet of a well, the water of which is used for drinking purposes, and in any case where the maintenance of said cesspool is offensive or dangerous to the public health, the Board of Health shall cause the owner or agent to at once remove or abate the same.

PRIVY VAULTS.

73. Sec. 1. All privy vaults in the City of Erie shall not be less than six feet in depth and shall not be erected within twenty feet of any building used or occupied for residence purposes, nor within one hundred feet of any well or spring, the water of which is used for drinking purposes; neither shall such a vault be dug within ten feet of any street, or five feet of any alley (a); unless said privy is walled up with brick or stone or cement in such manner as to render it water tight, and is properly connected with a sewer.

74. Sec. 2. Whenever the contents of a privy vault shall be within two (a) feet of the top of the vault or shall become offensive from any cause, or dangerous to the public health, the same shall be disinfected or removed by the owner thereof or his agent as the Board of Health shall direct, and whenever said privy vault is so located as to permit of sewer connection the Board of Health may compel the owner or agent to make such connection.

75. Sec. 3. No person shall remove or cause to be removed the contents of any privy vault without obtaining the permission of the Board to do so. Nor shall the contents of any privy vault be used



HOGS.

78. Sec. 1. There shall be no hogs kept within the limits of the City of Erie except on farms not yet cut up into city lots.

POULTRY.

79. Sec. 1. All coups or other enclosures for the keeping of geese, ducks, chickens and other poultry shall be not less than ten feet square and five feet high, shall be at least fifty (a) feet from any dwelling, and shall be cleaned at least once a week or oftener if necessary.

80. Sec. 2. Any ducks, geese, chickens or other poultry running at large in the City of Erie shall be subject to confiscation and their owners shall be liable to prosecution.

WEEDS.

81. Sec. 1. The owner or owners of property in the City of Erie shall not permit weeds or bushes to grow thereon or upon the streets or alleys adjacent thereto.

UNWHOLESOME FOOD.

82. Sec. 1. No person, firm or corporation shall keep, expose or offer for sale for food any emaciated, tainted, putrid, decayed or decaying, unwholesome or diseased meat, fish or other provisions, or meat from any maimed, or diseased animal, or veal less than four weeks old when killed, or poultry not drawn; also, all meat used for human food, conveyed through the streets of the City of Erie, shall be protected from dust or other contamination by being carefully covered by a clean canvas, sheet or burlap. (a)

83. Sec. 2. No person, firm or corporation shall keep, expose or offer for sale any unripe, decayed or unwholesome fruit or vegetable or other food of a quickly perishable nature.

Sec. 3. No person, firm or corporation shall keep, expose or offer for sale outside of any building, in any open window or doorway, or upon any sidewalk, street, alley or other thoroughfare, meats of any kind, breadstuffs, confectionery, unwashable fruits or vegetables, or any other foodstuffs presenting moist surfaces on which dust or other filth from any source, which may contain bacteria in any form, may gather or be deposited, or which may be polluted in any manner by animals, insects or other vermin, except they be contained in dust and dirt proof receptacles or cases. (b)

BAKE SHOPS, BAKE WAGONS, ETC.

84. Sec. 1. All buildings or rooms in the City of Erie, occupied as biscuit, bread, pretzel, pie or cake bakery, or macaroni establishment, shall be conducted in strict accordance with the Act of Assembly of May 27th, 1897, entitled, "An Act to Regulate the Manufacture of Flour and Meal Food Products," and shall be, at any reasonable time, subject to the inspection of the Board of Health or any employee thereof.

85. Sec. 2. All vehicles from which any biscuit, bread, pretzel or other bakeshop product is sold in the City of Erie, shall be kept in a clean and sanitary condition, and all baskets, boxes or other receptacles in which any of the aforesaid products are conveyed through the streets shall be closely covered in a way and manner that will protect them from any pollution whatsoever. Said vehicles shall be at all times subject to the inspection of the Board of Health or any employee thereof.

(a) So amended Nov. 7, 1901, page 83 of Health Record.

(b) This section was approved January 30, 1906.

MEAT MARKETS.

86. Sec. 1. The owner or owners of each and every meat market within the limits of the City of Erie shall connect same with the public sewers and provide the same with city water, and shall keep the place in a clean and wholesome condition and free from all offensive odors. (a)

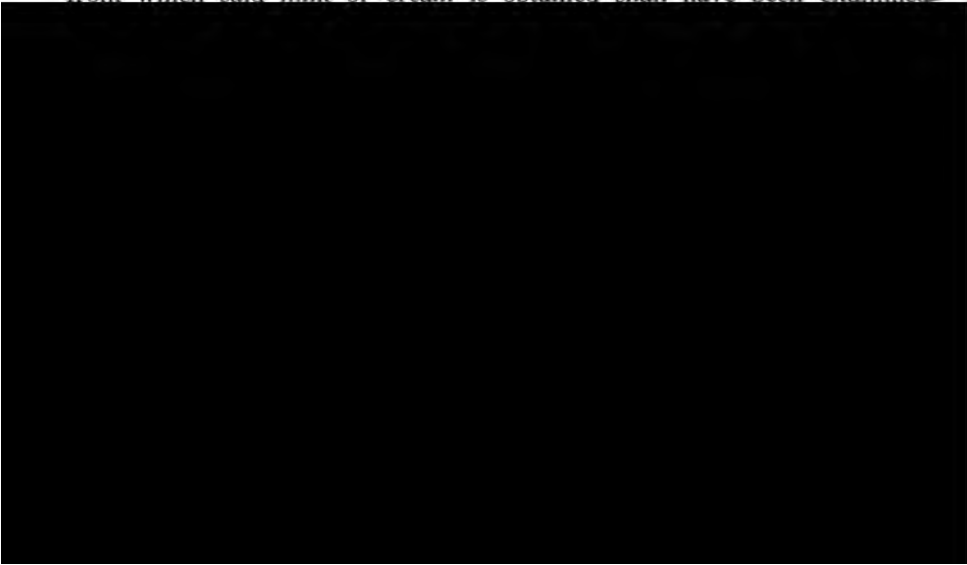
87. Sec. 2. No butcher, or other person in his employ, shall appear for the purpose of cutting, handling or vending meat, unless he shall be neatly dressed in a white frock, or with a white apron and white over-sleeves extending above the elbows.

PRODUCTION, CARE AND SALE OF MILK AND CREAM. (b)

88. Sec. 1. No person or persons, firm or corporation, shall sell milk or cream in the City of Erie without first, annually before the first day of July, making application to the Board of Health, which application shall set forth his, her or their name or names, together with the location of their route or place of business, and the name of the owner of and the location of the dairy from which they obtain said milk or cream, and such other information relating to the care of said dairy and the production and care of milk and cream as may be deemed necessary by said Board of Health. Said application to constitute an agreement between the applicant and the Board of Health for the faithful compliance with all the rules and regulations of said board. And obtaining from the Board of Health a license to carry on such business, which license shall be displayed in every store or wagon from which said milk or cream is sold.

89. Sec. 2. Each and every person or persons peddling milk or cream in the City of Erie shall have the wagon or other vehicle from which milk or cream is sold, enclosed and conspicuously marked in plain letters not less than three (3) inches high, with his, her or their name or names and the number of the license under which said milk or cream is sold.

90. Sec. 3. No milk or cream shall be sold, offered for sale, or distributed in the City of Erie, unless each and every animal in the herds from which said milk or cream is obtained shall have been examined



92. Sec. 5. No milk or cream shall be sold or handled by any person or persons in whose family or residence there is a case of contagious or infectious disease, nor from any dairy or premises on which such diseases exist, except by permission of, and in the manner prescribed by the Board of Health.

93. Sec. 6. No milk or cream shall be sold or exposed for sale in the City of Erie except from cows stabled under light, dry and well ventilated conditions and in all other respects conforming to the requirements set forth in the following rules:

94. Rule 1. Each cow shall have at least three (3) feet in width of floor space when fastened in stanchions, and in all cases where no adequate artificial means for ventilation are provided, each animal shall have an air space of at least five hundred (500) cubic feet.

95. Rule 2. All stables for shelter of said cattle shall be provided with a tight, dry floor. The manure drop shall be water tight, and if constructed of wood, shall be asphalted, tarred or otherwise made non-absorbent.

96. Rule 3. The walls and ceilings of said stables shall be white-washed whenever it may be deemed necessary by the Board of Health.

97. Rule 4. Manure shall not be allowed to accumulate in large quantities in stable yards, nor near the buildings where the cattle are kept and when stored temporarily in such places it shall be removed at least once a week to a distance of at least ten (10) feet from said stable. The stable yards shall be drained and kept in a clean, dry condition, and no accumulation of household garbage, vegetable or other putrescible matter shall be allowed to remain, or decay, in said stable yards.

98. Rule 5. Cattle shall at all times be kept in a clean condition, and the udders shall be wiped dry and clean with a clean damp cloth before each milking.

99. Rule 6. No milk or cream shall be sold or offered for sale, or distributed, in the City of Erie, obtained from any cow that has calved within five (5) days, or from a cow which will calve within twenty-one (21) days.

100. Sec. 7. No milk or cream shall be sold or exposed for sale in the City of Erie, except from cattle fed and watered under proper sanitary conditions, and all food given shall be good and wholesome and the water supply pure and free from all contamination by stable or household drainage.

101. Sec. 8. All milkers and other attendants employed in any dairy, the milk or cream from which is sold or offered for sale, or delivered in the City of Erie, shall be personally clean and healthy, and before milking or caring for the milk or cream, their hands shall be washed and their clothes changed and a clean suit, to be used for this purpose only, shall be put on and worn during milking time.

102. Sec. 9. All milk pails, cans and other receptacles used for the production and transportation of milk or cream shall, before each use, be thoroughly washed with water and soap, or soda, and then scalded with boiling water or live steam, thoroughly aired and kept upside down in a cool place and they must not, under any circumstances, be rinsed with cold water before using.

103. Sec. 10. No milk or cream shall be kept for sale or distribution or handled, transferred to or from cans or bottles or stored, in any stable or similar place, or in any room used wholly or in part for domestic or sleeping purposes.

104. Sec. 11. Milk or cream shall be stored or regularly mixed, cooled or poured from cans only in a room not directly connected with a stable or stables, provided with a tight floor, and kept constantly neat and clean, the walls of the room being of such a nature as to allow easy and thorough cleaning.

105. Sec. 12. No water closet or privy shall be in the aforesaid room nor in any room connected directly therewith, nor shall dogs or cats or other domestic animals be allowed in these rooms at any time.

106. Sec. 13. Whenever milk or cream is filtered or strained, cooled or stored in a room, said room shall be such as is described in sections 10 and 11.

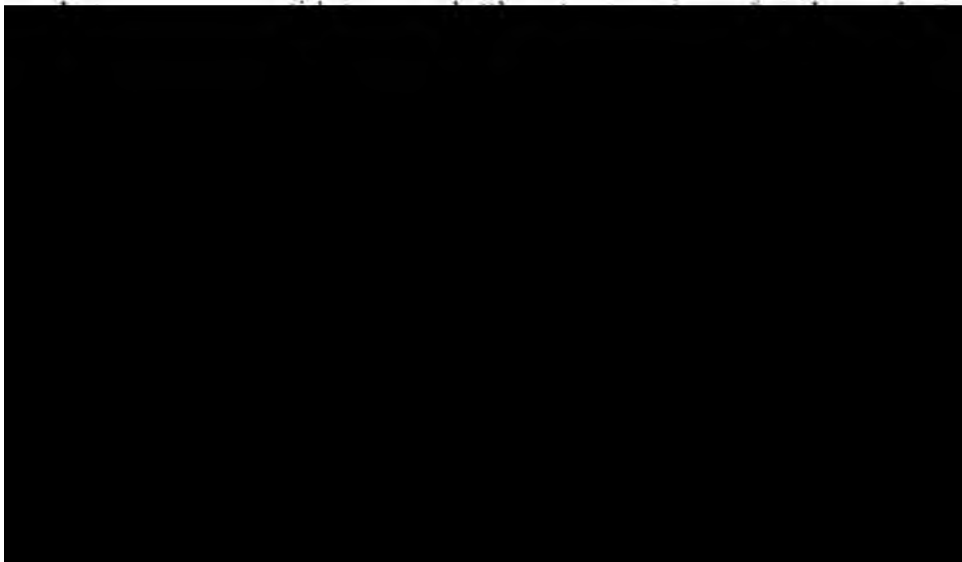
107. Sec. 14. Milk or cream kept for sale in any store, shop, market, bakery or other establishment shall be always kept in a covered cooled box or refrigerator, properly drained and cared for and while therein shall be tightly covered or closed, and only in such location and under such conditions as shall be approved by the Board of Health.

108. Sec. 15. All vehicles from which milk or cream is sold in this city shall, during the months of June, July, August and September, be equipped with ice boxes which shall be of sufficient size and kept thoroughly clean, and when said vehicles are in use, shall be kept full of ice, and the temperature of said milk or cream shall at all times be kept at or below fifty (50) degrees Fahrenheit during the whole year.

109. Sec. 16. All cans, bottles or vessels of any sort used in the sale, delivery or distribution of milk or cream to the consumer must be cleaned and sterilized (boiled, baked, scalded or steamed) by the dealer before they are again used for the same purpose, and bottles must not be filled with milk or cream except at the dairy or milk depot from which distribution is made.

110. Sec. 17. No metallic or card tickets shall be used in connection with the sale or distribution of milk or cream in the City of Erie, but instead thereof a coupon ticket shall be employed, and such tickets shall be cancelled and destroyed after being once used.

111. Sec. 18. Under no circumstances shall a milk or cream dealer in the City of Erie, or his or her employees, take from a quarantined



115. The place of business (the shop or parlor), must be kept scrupulously clean, as shall also be the chairs, brushes, towels, and other articles or instruments used in the business. Towels must be carefully washed and rinsed. Cuspidors must be made with wide openings, without any beveled or rough sides, and should contain water, and when cleansed must be disinfected with any of the herein recommended antiseptic solutions.

116. Sec. 4. After each use all razors, shears, clippers, hair brushes, combs and all other instruments shall be thoroughly cleansed and when not in actual use kept in a cabinet or case which closes hermetically (is air tight), and in which is kept a saucer constantly filled with formaldehyde. (a) Tweezers and needles must, after each use, be washed in boiling water and then passed through an alcohol blaze or dipped in formaldehyde. Shaving brushes and cups must be thoroughly washed after each using, and the brush placed in a solution of bi-chloride of mercury 1-2,000.

117. Sec. 5. Persons suffering from any disease of the skin, scalp or hair, or from consumption, or convalescent from small pox, scarlet fever, diphtheria, or other contagious diseases, must not visit any barber shops or parlor, but shall be attended by the barber or hair-dresser at their own homes. All instruments used on such patients must be disinfected after each use by being carefully washed in boiling water and then placed in the above mentioned closet for six hours.

118. Sec. 6. Before passing from one customer to another, the barber or hair-dresser must wash his hands thoroughly, using carbolic or other antiseptic soap. Barbers must not blow away with their breath any hairs after cutting, but must use a towel or bulb or fine hair brush, which must be sterilized as are the hair brushes.

The powder puff must be replaced by a ball of cotton or a clean towel, or better by a powder blower, the ball of cotton to be thrown away after one using. When alum or other styptic is employed to stop the flow of blood it shall be pulverized, and when used shall be applied on a bit of clean cotton or a clean towel. (b) Strictly clean linen, towels, wrappers, etc., must be used for each customer. If a freshly laundered wrapper cannot be supplied to each customer, a clean towel must be used in place of the wrapper.

Vaseline and wax must be used carefully, so as not to pass disease from person to person. The hair-dresser must remove vaseline from the vessel containing it with a spatula or spoon, and not by inserting his fingers into the vessel. Barbers shall at all times keep their finger nails short and clean. The barber must not employ sponges in his work, nor shall they ever be seen in shaving or hair-dressing establishments.

119. Sec. 7. These rules shall be conspicuously displayed in all barber shops.

CONTAGIOUS AND INFECTIOUS DISEASES. (c)

120. Sec. 1. Every physician located or practicing in the City of Erie, who shall know that any person whom he or she is called upon to visit, or who comes or is brought to him or her for examination, is suffering from or is afflicted with cholera, small-pox, variola, varioloid, chicken pox, measles, diphtheria, diphtheritic croup, membranous

(a) So amended Aug. 4, 1904, page 96 of Health Record.

(b) So amended Nov. 12, 1903, page 91 of Health Record.

(c) See Health Department Ordinances, par. 39 to 50, inclusive.

croup, scarlet fever, typhoid fever, typhus fever, yellow fever, epidemic cerebro-spinal fever, relapsing fever, whooping cough, tuberculosis, erysipelas, actinomycosis, anthrax, epidemic dysentery, German measles, glanders, hydrophobia, malarial fever, mumps, pneumonia (true), puerperal fever, tetanus, trachoma, trichiasis or leprosy shall within twenty-four hours make report in writing, or upon blanks to be furnished for that purpose, to the Board of Health, which said report shall, over his or her own signature, state the name of the disease, and the name, age, and sex of the person suffering therefrom, and shall also set forth by street and number, or otherwise sufficiently designate the house, room, or other place in which said person may be located, together with such other information relating thereto as may be deemed important by said Board of Health. (a)

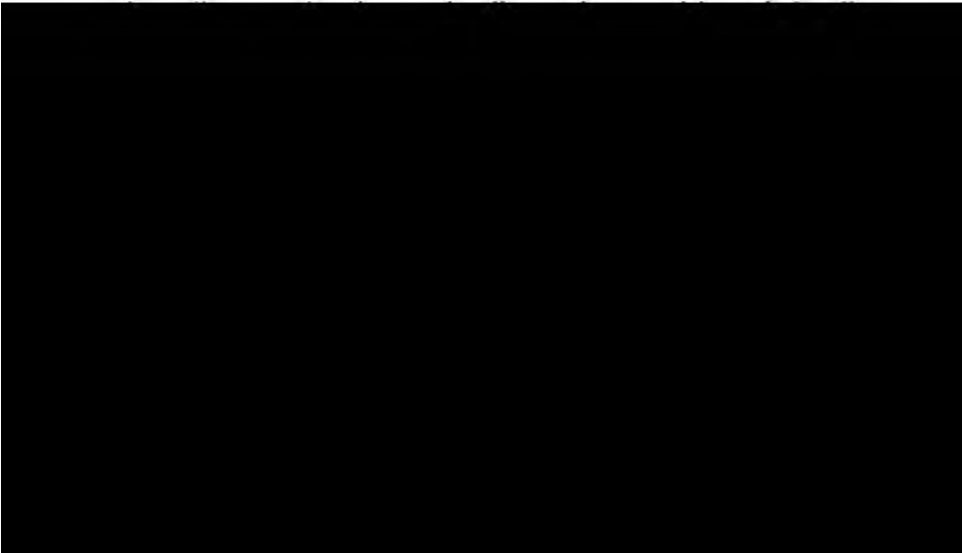
121. Sec. 2. Upon receipt by the Board of Health of the report of the existence of a case of any of the above enumerated diseases, said Board shall place or cause to be placed in a conspicuous place upon the house or premises where said case is located, a card upon which shall be printed in large letters the name of the disease from which the person or persons in said house or premises is suffering. Variola and varioloid shall be placarded as "small-pox" and diphtheritic and membranous croup as "diphtheria," and in addition to above placarding or in lieu thereof the Board of Health may place a guard or guards upon said house or premises.

122. Sec. 3. The head of a family or any other person, who shall knowingly seclude or hide a case of contagious or infectious disease in order to prevent same from being quarantined, shall be subject to all the fines and penalties provided for violation of these rules and regulations.

(b)

The head of the family in which said contagious or infectious disease occurs shall be liable to the fine and penalty hereinafter provided, in any case where said placard is taken down, defaced, covered up or destroyed without the permission of the Board. (c)

123. Sec. 4. The Health Officer shall have power when complaint is made, or reasonable belief exists, that any dangerous, infectious or



necessary, to prevent the spread of such diseases, and that such removal can be made without danger to the life of such person.

126. Sec. 7. Upon removal to hospital or other place, or upon the discharge by recovery or death of any person or persons who have suffered from any of the above enumerated diseases, the Board of Health shall fumigate and disinfect the premises where said disease existed, and shall disinfect or destroy the bedding, clothing or other infected articles found upon such premises.

127. Sec. 8. No child or other person belonging to, or residing with, the family of any person, or residing in the same house in which any person may be located, who is suffering from any of the diseases mentioned in Section 1, shall be permitted to attend any public, private, parochial, Sunday or other school in the City of Erie, and no pupil can be transferred from any school district in which any contagious disease exists, to another school district without written permission from the Board of Health (a), and all principals, superintendents or other persons in charge of such schools are hereby required to exclude any and all such children and persons from said schools, such exclusion to continue for a period of thirty days following the discharge by recovery or death of the person last affected in said house or family, or his or her removal to a hospital, and the thorough disinfection of the premises, and all such children or other persons as aforesaid, before being permitted to attend or return to school, shall furnish to said principal or other person in charge of said schools, a certificate signed by the Health Officer, setting forth that the said thirty days have fully expired, and no other certificate shall be recognized.

128. Sec. 9. After a report of any of the above diseases to the Board of Health, said Board shall at once send a notice thereof to the principals or persons in charge of the schools in the school district in which said disease occurs, and such notice shall give the name of the disease, and the name and residence of the person suffering therefrom, and said notice shall be repeated to such persons as often as may be found necessary during the continuance of the disease. (b)

129. Sec. 10. No person shall without previous disinfection, give, lend, sell, transmit or expose any bedding, clothing, rags or other articles which have been exposed to infection, but such restriction shall not apply to the transmission of articles with proper precautions for the purpose of having the same disinfected.

130. Sec. 11. No person shall knowingly let any room, house or part of a house, in which there has been a person suffering from any of the diseases above mentioned, without having such room, house, or part of a house, and all articles therein liable to infection disinfected to the satisfaction of the Board of Health. The keeper of a hotel, boarding house or apartment house shall be deemed as letting a part of a house to any person who shall be admitted as a guest into such hotel, boarding house or apartment house.

131. Sec. 12. No person suffering from any of the diseases above mentioned, nor any one who has charge of a person so suffering, shall enter any hired vehicle or other public conveyance, or permit any one in his or her charge who is suffering, to enter such vehicle without previously notifying the owner or driver thereof that he or the person in his

(a) So amended Nov. 7, 1901, page 82 of Health Record.

(b) So amended Aug. 4, 1904, page .6 of Health Record.

charge is so suffering, and the owner or driver of such vehicle shall immediately provide for the disinfection under the direction of the Board of Health, of such conveyance after it has, with the knowledge of such owner or driver, conveyed any such sufferer.

132. Sec. 13. No case of scarlet fever will be considered free from the danger of spreading contagion until desquamation has completely ceased.

133. Sec. 14. The Sanitary Police will call at quarantined houses as often as is necessary to attend to the wants of the family.

134. Sec. 15. All houses in which cases of diphtheria or scarlet fever exist, shall remain under quarantine for a period not less than fourteen days, and as much longer as may be deemed necessary by the Health Officer to insure a complete recovery from the disease, and the placard, designating the name of the said disease, shall remain posted on the said premises for a period of one week following date of disinfection. (a)

135. Sec. 16. At the time of the raising of the quarantine the Sanitary Police shall disinfect all water closets and drains connected with the infected premises.

136. Sec. 17. In all cases where quarantine is established the following rules shall be rigidly observed: (b)


137. Rule 1. No person or persons shall be allowed to enter or leave the quarantined premises, except the attending physicians, undertakers or their assistants and the employes of the Board of Health, without written permission from the Health Officer. (a)

138. Rule 2. In every instance where it can be done, the patient must be placed in an isolated portion of the house as far removed from the other members of the family as possible.

139. Rule 3. All unnecessary articles of clothing, furniture, etc. should be removed from the sick room, and in all cases where exposure to the germs of the disease has occurred, should be thoroughly disinfected before being used by other members of the family.

140. Rule 4. All dishes, cutlery, glassware and other household utensils must be disinfected before being used by unexposed persons.

141. Rule 5. The family will set vessels outside, into which the



147. Sec. 2. When one or both eyes of an infant become inflamed or swollen at any time within two weeks after its birth, the midwife shall report that fact to the Board of Health or to a legally qualified practitioner of medicine within six hours after the discovery thereof.

BIRTHS.

148. Sec. 1. Any physician or person practicing midwifery in the City of Erie, under whose charge or superintendence a birth shall hereafter take place, shall keep a true and exact register of said birth, and shall enter the same on blanks to be furnished by the Board of Health, which blank shall set forth, as far as can be ascertained, the full name, sex and color of the child and the day and place of its birth, and the full name of its father and mother, including the mother's name before marriage. (a)

149. Sec. 2. The said blank, properly filled out and signed by the said practitioner in the form of a certificate, shall be delivered within ten days after the date of said birth to the office of the Board of Health (b), and in case the birth of any child shall have occurred without the attendance of a physician or practitioner of midwifery, it shall then become the duty of the parent or parents of such child to report its birth to the said Board of Health in the manner and form, and within the period above required.

MARRIAGES.

150. Sec. 1. It shall be the duty of clergymen of all denominations and of every magistrate by or before whom any marriage may hereafter be solemnized or contracted, to report his, her or their names and places of residence to the Board of Health. In the event of any of the persons above specified removing to any other place of residence, it shall be their duty to notify the Board of Health of the fact within thirty days after such removal, except when the persons removing shall cease to act in such official capacity as makes them subject to the requirements of this regulation.

151. Sec. 2. It shall be the duty of every clergymen and every magistrate by or before whom any marriage may hereafter be solemnized or contracted in the City of Erie to make a faithful return of the same at the expiration of every three months to the Board of Health in the form of a certificate, which shall set forth, as far as the same can be ascertained, the full name of the husband, his occupation, the place of his birth, his residence and age, the date of the marriage, the full name of the wife previous to said marriage, and her age, and the color of the parties and the place where, and the name of the clergyman or magistrate by whom the marriage ceremony was performed.

DEATHS, BURIALS, TRANSPORTATION OF DEAD BODIES, ETC.

152. Sec. 1. Every undertaker doing business in the City of Erie shall register his name and place of business at the office of the Board of Health.

153. Sec. 2. Before the body of any person can be removed for burial or cremation in the City of Erie, the undertaker in charge of such body shall present to the Board of Health a certificate, written throughout in ink, setting forth as far as can be ascertained, the name, age, sex, color, occupation, birthplace, place of death, cause of death, and when a

(a) See Ordinance 1258, approved Oct. 20, 1896, G 272, Health Department Ordinances, par. 35.

(b) So amended January 30, 1906, page 106 of Health Record.

minor, the names of father and mother, together with the place and date of intended interment and said certificate properly filled out and signed by the attending physician shall be returned to the Board of Health within thirty-six hours after the death of said person, and upon the return of such certificate said Board shall issue a permit for burial.

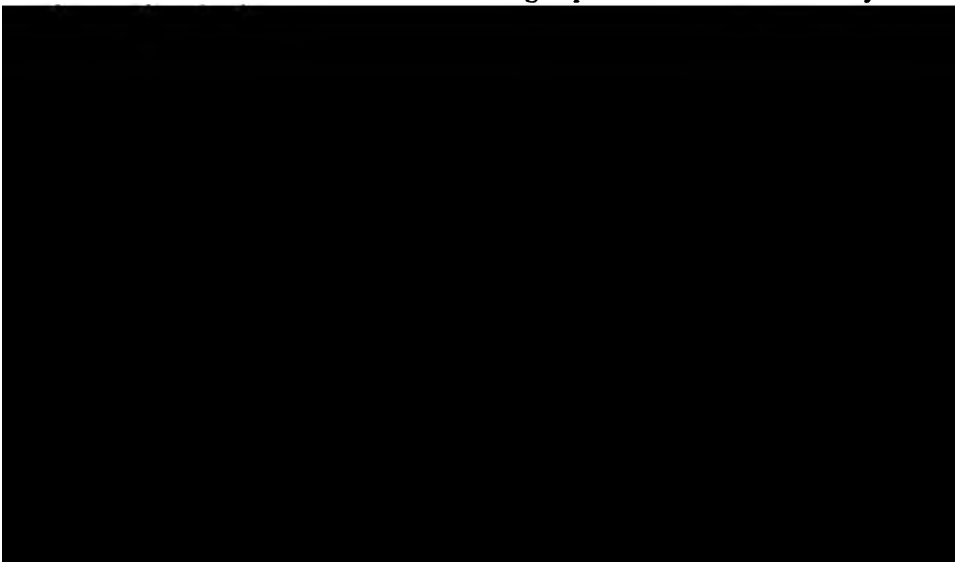
154. Sec. 3. No certificate of death will be accepted by the Board of Health unless the particulars called for are given correctly, legibly, and as fully as possible, nor will such certificate be accepted if it is mutilated or if any portion of it has been erased, interlined, corrected or altered.

155. Sec. 4. If a person dies from criminal violence, or by a casualty, or suddenly while in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, the case shall be referred to the coroner.

156. Sec. 5. No certificate giving a mere symptom as the sole cause of death will be accepted without satisfactory explanation and certificates of death will be returned for additional information which give, without explanation, as the sole cause of death: Abortion, abscess, anasarca, aneurism, appendicitis, asthma, Bright's disease, cancer or carcinoma, cellulitis, child birth, coma, convulsions, dentition, dropsy, erysipelas, enteritis, exhaustion, fracture, gangrene, gastritis, heart disease, heart failure, hemorrhage, hernia, insanity, meningitis, miscarriage, necrosis, neurasthenia, edema, paralysis, peritonitis, phlebitis, pyemia, sarcoma, septicemia, spasms, syphilis, suicide, teething, tetanus, toxemia, tumor, ulcer, uremia, albuminuria, anemia of any kind, asthma, colic of any kind, debility of any kind, inanition, malaria, marasmus, old age, rheumatism, scrofula, senility, shock, typhoid pneumonia. (a)

157. Sec. 6. Undertakers officiating where death has occurred from any contagious disease, shall at once thoroughly disinfect such body, wrap it in a sheet wet in a solution of bichloride of mercury, 1 to 500, and immediately place it in the coffin or casket in which it is to be buried; said coffin or casket to be at once closed absolutely tight and not reopened without written permission from the Board of Health. (b)

158. Sec. 7. The body of any person dying of any contagious disease shall not remain unburied for a longer period of time than thirty-six



in, assent to or allow the interment of, or preparation of any grave or other place of deposit for, the body of any person dying within said city, unless a permit authorizing the burial of such body has been given by the Board of Health; and such sexton or other person or persons in charge of said cemetery shall make a return to the Health Office of said permits issued to them before Monday noon of each succeeding week. (a). Nor shall any railroad company, or its employees, or the owners, or other persons in charge of any steamboat or other vessel used for transportation, or their employees, or any other public conveyance receive any such body for which said permit has not been issued.

162. Sec. 11. The removal of a body from one grave or vault in the same cemetery or from one cemetery to another, can only take place with the written permission of, and in the manner prescribed by the Board of Health, and in case of the removal or disinterment of the remains of a person dying of a contagious disease, such removal, or disinterment shall take place under the immediate supervision of the Board of Health.

163. Sec. 12. The transportation of bodies of persons who shall have died from small-pox, Asiatic cholera, typhus fever, diphtheria, scarlet fever, bubonic plague or yellow fever, is strictly forbidden. (b)

164. Sec. 13. The bodies of persons dead of anthrax, dysentery, erysipelas, glanders, leprosy, measles, puerperal fever, tuberculosis, typhoid fever, whooping cough, or other dangerous or communicable diseases, not specified in Section 12, must be prepared for shipment by filling cavities with an approved disinfectant fluid, washing the exterior of the body with the same, stopping all orifices with absorbent cotton and enveloping the entire body with a layer of cotton not less than one inch thick, and the whole wrapped in a sheet saturated with a solution of bi-chloride of mercury in the proportion of one ounce of bi-chloride of mercury to one gallon of water, and the whole securely bandaged and placed in an air-tight zinc, tin, copper or lead-lined coffin, or iron casket, all joints and seams of which must be hermetically soldered, and the whole enclosed in a strong, tight wooden box. Or the body being prepared for shipment by being disinfected and wrapped as above, may be placed in a strong coffin or casket, and said coffin or casket enclosed in an air-tight zinc, copper or tin case, all joints and seams of which are hermetically soldered, and the whole enclosed in a strong outside wooden box. (b)

165. Sec. 14. From April 1st to October 15th all dead bodies, when presented for transportation, must be enclosed in air-tight zinc, copper or lead-lined wooden boxes, or in air-tight iron caskets; or if in any other form of coffin, said coffin must be in a hermetically sealed box, enclosed in a manner satisfactory to the Board of Health.

166. Sec. 15. No person or article which has been exposed to contagion can accompany the body, without previous disinfection.

167. Sec. 16. Every dead body must be accompanied by a person in charge, who must be provided with a transit permit from the Board of Health, giving permission for the removal, and showing name of deceased, age, place of death, cause of death, the point to which it is to be shipped, and the name of medical attendant and undertaker.

(a) So amended Nov. 1, 1901, and April 10, 1900, pages 84 and 68 of Health Record.

(b) So amended April 10, 1900, page 68 of Health Record.

PENALTY.


168. Any person or persons who shall violate any section or part thereof, of the Rules and Regulations of the Board of Health, shall upon conviction therefor, before a duly authorized magistrate, be sentenced to pay a fine of not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100), and in default of the payment thereof, with costs, shall undergo imprisonment in the County Jail for a period not to exceed thirty (30) days. (a)

Rules and Regulations of the Board of Health, Governing Plumbing and House Drainage.

In pursuance of the Act of May 16, 1901, P. L. 244, being the rules and regulations approved April 4, 1898, as revised and amended, Nov. 27, 1899, January 3, April 12, April 26, August 5 and November 7, 1901, November 12, 1903, August 18, 1904, and August 26, 1905. (b)

Sec. 1. The Board of Health shall appoint a board for the examination of firms or corporations doing plumbing business, and master and journeymen plumbers, which board shall be known as the Board of Examiners.

Such board shall consist of the Inspector of Plumbing, or when such position is vacant, the Inspector of Buildings (when said Inspector is a plumber), and of two master plumbers of not less than five years' experience in the plumbing business. The members of said board shall be appointed for a term of three years, so that the term of office of one of them shall expire every year. The Board of Health shall have the power to fill any vacancy on said Board caused by death, inability to accept, resignation or removal from the city by any member thereof, and such appointments shall be for the remainder of the unexpired term. It shall be the duty of said Board of Examiners to examine into the qualifications and ability of all persons desiring registration as firms or corporations.



Board of Health, who shall thereupon issue a license to such firm, corporation, master plumber, or journeyman plumber, which may at any time be revoked by the Board of Health for violation of rules made by said Board, and no person other than such registered plumber shall be allowed to carry on or engage in the plumbing business, or make any connection with any sewer, drain, soil, or waste pipe, or any pipe connected therewith, except as further stated. It shall be understood that an examination of any one member of a firm, or the proper officer of said corporation, or the superintendent or foreman to be in charge of said business for a firm or corporation shall be deemed sufficient.

Sec. 3. Every person doing drain laying in the City of Erie shall appear at the office of the Board of Health and make application for examination by the Board of Examiners. Said application to set forth his name and residence and number of years of experience in the drain laying business. And upon the satisfactory passage of such examination and (a) the payment of the sum of One (\$1) dollar the said Board shall issue a certificate of registry indicative of his business, which may be revoked by the Board of Health for violation of the rules made by the said Board, and no person other than such registered party shall be allowed to carry on, or engage in the drain laying business.

Sec. 4. Before receiving a license each Master Plumber or Drainlayer shall execute and deposit in the office of the Board of Health a bond to be approved by said Board in the sum of one thousand (\$1,000) dollars, which bond shall indemnify and save harmless the City of Erie and the Board of Health, or its officers, from all accidents and damages caused by negligence in performing his work, or by any unfaithful, imperfect or inadequate work done by him, and that he will also replace and restore the street or pavement over any opening he may have made to as good a condition as that in which he found it or satisfactory to the Board or its proper officers. Upon receiving his license he shall have recorded his actual place of business and the name under which the business is transacted, and shall immediately notify the Board of every change in either thereafter.

Sec. 5. The Department of Health must be notified when the work is begun and when work is roughed in and is ready for preliminary inspection. All work must be left uncovered and convenient for examination, until inspected and approved. Notice of final inspection shall not be sent until the work is entirely ready for thorough inspection and all sinks, closets, etc., are set. In case of any violation of this regulation the Inspector shall have the power to stop all work.

Sec. 6. Before any inspection is made by the Inspector the following fees shall be paid to the Secretary of the Board of Health by the plumber applying for the inspection:

For each water closet	75 cents.
For each bath tub	75 cents.
For each sink	50 cents.
For each laundry tub	25 cents.
For each slop sink	25 cents.
For each urinal	25 cents.
For each seat tub or foot tub	25 cents.
For each house drain	50 cents.
For each first hand basin	50 cents.
For each additional hand basin	25 cents.
For each closet range, 75 cents for the first two feet	

(a) See page 79 of Health Record.

in length and 25 cents for each additional two feet in length or part thereof.

For each urinal range, 25 cents for each two feet in length or part thereof.

The above fees shall be paid where the roughing in is done, whether the fixtures are set or not. (a)

Sec. 7. The Inspector will examine the work within two working days after notice that it is ready for inspection has been received by the Board of Health.

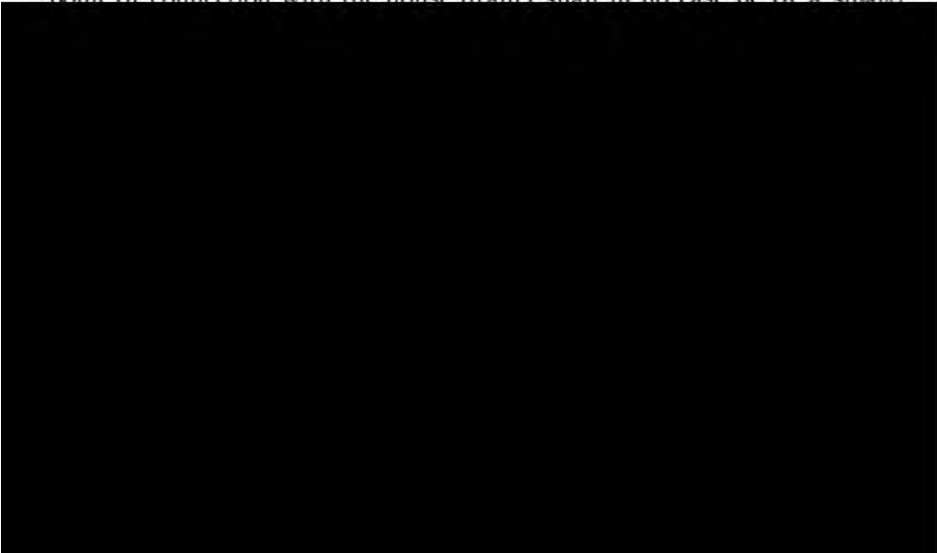
Sec. 8. Plumbing work must be tested by the water test in the presence of the Inspector from the Board of Health; said test shall include all sewer, soil, waste, and vent pipes, and all other pipes in the building, including the branches, traps and ferule joints.

Sec. 9. When the work is completed a final inspection must be made by the plumber in the presence of an inspector from the Department of Health, and if, in the judgment of the inspector, it is necessary, a test must be made either by means of the improved smoke testing device, or with the peppermint test, at the discretion of the inspector. No plumbing work shall be used until this test has been made and a certificate that the work is approved has been granted by the Board of Health.

Sec. 10. All materials used in the work of plumbing and drainage must be of good quality and free from defects. The work must be executed in a thorough and workmanlike manner and to the satisfaction of the Inspector. (b)

Sec. 11. When a house drain passes through a wall it shall not be built in solid, but shall have at least a two-inch clearance, and the opening shall be covered by arch or lintel.

Sec. 12. Every house shall be separately and independently connected with the city sewer, except in cases where there is a building on the same lot between the first building and the city sewer, which second building covers the entire width of lot. In that case, the sewer connection of the first house may be connected with that of the second, and a separate trap and fresh-air inlet be inserted in each. Sewer connections (by which is meant the pipe between the city sewer and the point of connection with the house drain) shall in no case be of a smaller



Sec. 16. Every house drain shall have a fresh air inlet of not less than four inches internal diameter, connected between the intercepting trap and immediately back of it, and all house connections must extend to the height of two feet above the surface of the ground and shall not open nearer than five feet to any window or door. In front of stores where it is impracticable to have fresh air inlet five feet from doors or windows, it shall be carried to the curb and a perforated hitching-post, not less than four feet in height, with approved cap, shall be used, which shall not be less than four inches in internal diameter and shall contain not less than thirty one-inch perforations. (a)

Sec. 17. When rain-water conductors are connected with a house drain, or sewer, they shall be connected on the house side of main intercepting trap and in every case they shall be properly trapped as near the house drain as practicable. Rain water pipes shall not be used as soil, waste, or vent pipes, nor shall soil, waste, or vent pipes be used as conductors.

Sec. 18. Yards, areas, and open courts must be properly graded, sodded, cemented, flagged or well paved, and properly drained. They may be connected with the house drain, and must be separately and effectually trapped as near the house drain as practicable. A bell trap will not be sufficient.

Sec. 19. Cellars should not be connected with the house drain unless necessary. When so connected they must be effectually trapped in a manner satisfactory to the Board of Health. Sub-soil drains must be provided when necessary.

Sec. 20. All house drains shall be of vitrified stoneware, extra heavy cast iron, or other suitable and approved material, and if the ground on which any drain is to be laid is, in the judgment of the inspector, not sufficiently solid, such drain shall be supported in an approved manner. The joints of tile pipe are to be made with the best cement mortar which shall consist of one part best Portland cement and two parts clean, sharp sand, mixed dry, and to be wetted up only in small quantities as used. No tempered cement to be used. Pipe to be laid in a trench carefully, with bottom pipes shall be allowed only in short lengths, and not less than the following weight per foot:

1	inch pipe	..	..	..	..	..	..	..	2	lbs.
1 $\frac{1}{4}$	inch pipe	..	..	..	..	..	..	..	2 $\frac{1}{2}$	lbs.
1 $\frac{1}{2}$	inch pipe	..	..	..	..	..	..	..	3 $\frac{1}{2}$	lbs.
2	inch pipe	..	..	..	..	..	..	..	4	lbs.

Sec. 21. All cast iron, soil or waste pipes, except in one or two-story buildings, where standard pipe may be used, must be extra heavy, of uniform thickness throughout, free from all defects, and shall have an average weight not less than that below specified:

2	inch pipe	..	..	..	..	..	5 $\frac{1}{2}$	lbs. per foot.
3	inch pipe	..	..	..	..	..	9 $\frac{1}{2}$	lbs. per foot.
4	inch pipe	..	..	..	..	..	13	lbs. per foot.
5	inch pipe	..	..	..	..	..	17	lbs. per foot.
6	inch pipe	..	..	..	..	..	20	lbs. per foot.
7	inch pipe	..	..	..	..	..	27	lbs. per foot.
8	inch pipe	..	..	..	..	..	33 $\frac{1}{2}$	lbs. per foot.
10	inch pipe	..	..	..	..	..	45	lbs. per foot.
12	inch pipe	..	..	..	..	..	54	lbs. per foot.

(a) So amended Aug. 18, 1904, and Aug. 26, 1905, pages (of Health Record) 97, 104.

Sec. 22. All joints in earthen pipes shall be well wetted and made tight with neat hydraulic cement. All joints in cast iron pipes shall be caulked with oakum and molten lead, well bedded with caulking iron and hammer, or, at the discretion of the inspector, with a cement made of iron fillings and salamoniac. Joints in lead shall be wiped solder joints. Joints between lead and iron pipes shall be made with heavy cast or drawn brass soldering nipples. Joints between lead and cast iron pipes shall be made with heavy cast or drawn brass caulking ferules or combination ferules or bends, the full size of iron pipes; the thickness of all such ferules shall not be less than one-eighth of an inch. (a)

Sec. 23. Each and every trap, except as hereafter specified, shall be effectually vented so as to prevent syphonage, the vent in every case to be taken not more than twelve inches from the seal of the trap, except in the case of two sinks or two wash stands, when placed directly one above the other, and where the line of the waste pipe is within three feet of the traps, two-inch pipe being used, the traps may be left unvented. (a)

Sec. 24. All S or $\frac{3}{4}$ traps shall be vented from the crown. In all cases the branch T of the vent pipe must be set three feet above floor line. (a)

Sec. 25. If, for any reason, it is impossible or impracticable to vent a trap, a request for permission to install an unvented anti-siphon trap may be made in writing to the Board of Health, giving all the particulars and reasons why the trap cannot be vented, the same to be accompanied by the trap that is desired to be used.

The petition may or may not be granted, at the option of the Board of Health.

Sec. 26. The size of vent pipe, except for water closet traps, shall not be less than that of the trap which it serves. A pipe not exceeding twenty-five feet in length, which ventilates the traps of two water closets, shall not be less than two inches in diameter. If it ventilates more than two closets it shall have a diameter of not less than three inches. If the length of the vent pipe exceeds twenty-five feet, the above diameters shall be increased one inch.

Sec. 27. Where a water closet is placed in the basement, a two-inch vent pipe may be used to within three feet of the roof, where it must be

Sec. 30. In no case shall the waste from the bath tub, basin, sink, urinal, or other fixture, be connected with a water closet trap.

Sec. 31. The waste pipe of each and every sink, basin, bath, water closet, urinal, and each set of trays or other fixtures, must be separately and effectually trapped; the trap to be as near as practicable to the fixtures which it serves. No fixtures shall be set unless supplied with sufficient water to properly flush it.

Sec. 32. Traps and branch waste pipes shall not be less than the following sizes:

For Basin and Pantry Sinks	1¼ inches.
Slop Sinks	3 inches.
Kitchen Sinks	1½ inches.
Bath Tubs	1½ inches.
Urinals	1½ inches.
One Laundry Tub	1½ inches.
Set of Laundry Tubs	2 inches.
Water Closets	4 inches.

Lead traps and bends for water closets shall not be less than four inches in diameter, nor less than one-eighth of an inch in thickness.

Sec. 33. Whenever safes are placed under fixtures, the safe wastes shall be run separately to the basement or cellar, and be closed by a hinged brass flap valve, or approved device, to prevent cellar air from rising through the pipe. Urinal platforms shall not be provided with safe wastes.

Sec. 34. No waste pipe from a refrigerator or other receptacle where food is kept shall be connected with a drain, soil or other waste pipe. Refrigerator waste must be of a diameter of not less than one and one-quarter inches, and so arranged as to be properly flushed. They shall empty over a water supplied sink, the mouth of the pipe to have a brass hinged flap valve.

Sec. 35. The drain, soil, waste, and supply pipes and the traps, shall, if practicable be exposed to view for ready inspection at all times and for convenience in repairing. When necessarily placed within walls or partitions not exposed to view, they should be covered with woodwork fastened with screws, so as to be readily removed.

Sec. 36. The placing of wooden laundry tubs and wooden sinks is hereafter prohibited. All such fixtures shall consist of non-absorbent material.

Sec. 37. Privy sinks, pan closets, plunger closets, and all other water closets having any mechanism in connection with the bowl forming a mechanical seal, are prohibited.

Sec. 38. All water closets within buildings shall be supplied with water from special tanks or cisterns, which shall hold not less than six gallons of water when up to the level of the overflow pipe, excepting automatic or siphon tanks, which shall hold not less than five gallons of water. The water in said tanks shall not be used for any other purpose. The flushing pipe of all tanks shall not be less than 1¼ inches in diameter, except in shops or factories where closets may be connected direct with water supply.

Sec. 39. The enclosing of water closets with wooden casings is prohibited.

Sec. 40. Water closets must never be placed in an unventilated room or compartment. In every case the compartment must be open to the outer air, or be ventilated by means of an air shaft, not used to ventilate any living or sleeping room, and having an area of at least one square

inch for each square foot of ceiling, and an opening at the roof to the external air of an area equal to the area of the shaft.

Sec. 41. Water closets, when placed in the yard, shall be so arranged as to be conveniently and adequately flushed, and their water supply pipes and traps shall be protected from freezing by placing them in a hopper pit at least three and one-half feet below the surface of the ground, the walls of which shall be of brick or stone, laid in cement mortar. The waste water from the hopper stop cock shall be conveyed to the drain through a three-eighths inch pipe, properly connected. The enclosure of the yard water closet shall be ventilated by slatted openings, and there shall be a trap door of sufficient size for access to the hopper pit.

Sec. 42. No steam exhaust, blow-off, or drip pipe shall connect directly with the sewer, house, drain, soil, waste, or vent pipe, or with any rain water conductor. Steam shall be discharged into a blow-off or condensing tank or cooling coil, the waste or overflow of which shall be connected with the house sewer outside of the intercepting trap. Joints in the blow-off pipe shall be screw joints, or, in case of cast iron pipe, they shall be rust joints.

Sec. 43. The house drain is defined as the horizontal pipe inside of buildings to which is connected soil and waste pipes. Soil pipe is defined as the pipe receiving water closet discharge. Waste pipes are defined as pipes receiving discharge from any fixture other than water closet.

Sec. 44. No solder unions shall be used except brass solder unions with ground joints or such as come on fixtures. (a)

Sec. 45. No trap screws shall be allowed on the bottom of traps placed under floors.

Sec. 46. When galvanized wrought iron pipe is used for waste or vent pipes, galvanized malleable iron drainage fittings or galvanized cast iron drainage fittings must be used.

Sec. 47. Whenever any alterations or additions are made to old work, said alterations or additions must be made in accordance with these rules and regulations.

[Sec. 48] Any person or persons who shall violate any section, or part thereof, of the rules and regulations of the Board of Health, including the rules and regulations of said Board governing plumbing and house drainage, shall, upon conviction therefor, before a duly authorized magistrate, be fined not less than Five Dollars (\$5), or in default of the payment of such fine, be imprisoned in the City Jail for

Licenses

[See "Bill Posting," "Health Department," "Sidewalks," and House Movers under title "Buildings"]

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| <ol style="list-style-type: none"> 1. License for athletic exhibitions. 2. When policemen to attend. 3. Auctioneer's license. 4. Cost of license. 5. Penalty. 6. Circus and Parade license. 7. Amount. 8. Penalty. 9. Fireworks; license fee. 10. for gent's furnishing goods, boots, shoes, etc.; penalty. 11. Cost of license. 12. Market House Co. license. 13. Payable to City Treasurer. 14. Collection. 15. Merry-go-round, Ferris Wheel, etc., license. 16. Not to operate after 10.30 P. M. 17. Amount of license. 18. Penalty. 19. Peddlers; license fee. 20. Badge; permit. 21. Penalty. 22. Poles and cross arms; license. 23. Poles to be designated and numbered. 24. City Electrician to supervise erection, location and maintenance of poles; count and record poles and cross arms. 25. Use of brackets prohibited. | <ol style="list-style-type: none"> 26. License fee; appropriated to conduit fund. 27. Violations to be reported. 28. "Dead" poles to be removed. 29. Penalty. 30. Repeal. 31. Restaurant Wagon license. 32. Amount of license. 33. Payable to Treasurer. 34. Street Car license. 35. When payable. 36. License fee. 37. Penalty. 38. Theater license; amount. 39. Manner of determining seating capacity. 40. When license payable. 41. Penalty. 42. License for shows, concerts, etc.; penalty. 43. Cost of license. 44. Penalty for employing minors in shows, etc. 45. Duty of Sergeant-at-Arms relative to show license. 46. Sergeant-at-Arms and policemen to attend shows, etc., if required; fee. 47. Transient merchants. 48. License fee. 49. Penalty. 50. Repeal. |
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ATHLETIC EXHIBITIONS.

1. It shall and may be lawful for the Mayor, in his discretion, to grant a license under his hand and seal to any duly organized club or association wishing for the benefit of such club or association to give exhibitions of the manly art, wrestling, fencing, running, hand-ball, basket-ball, and all other athletic sports, excepting, however, prize fighting or any match contests whatever for money deposited or otherwise by participants in any of said exhibitions, or by any person or persons in their behalf; Provided, however, that such club or association licensed as aforesaid, may, for the purpose of encouraging such athletic sports, award prizes to competitors in such athletic exhibitions; Provided further, that no such license shall be granted until the club or association applying therefor shall produce to the Mayor the receipt of the City Treasurer for the sum previously fixed on by the Mayor as the price of such license, the amount of the same not to exceed that charged for theatres and other shows where admissions are charged. (a)

2. It shall be the duty of one or more policemen of the city, if authorized by the Mayor, to attend at the place of exhibition for which a license is granted, and preserve, during the same peace and good order and prevent disturbances, and stop any exhibition at any time, when in his or their judgment the same should be done. (b)

AUCTIONEER.

3. * * * That any person being a citizen of the county and having a regular and legal auction license for the County of Erie, shall, upon the payment of an annual license

(a) See Infra 38 to 43, inclusive.

(b) See Infra 46.

Ord. 1905.
Aug. 22, 1901
§ 1 I. 53.

Id. § 2.
When Policemen to attend.

Apr. 18, 1878.
§ 1 A. 472.
Auctioneer's license.

LICENSES.

April 18, 1876

of ten (a) dollars to the Treasurer of the city, shall be permitted, and is hereby authorized, to sell at auction, stock, goods, wares, merchandise and all other articles of trade, in front of their respective places of business, in the streets and highways, and adjacent to the parks in the City of Erie; *provided*, that such persons so selling shall not obstruct the free passage of the people on such streets or highways.

Id. § 2.

Cost of
license.

4. The Mayor of the city is hereby authorized to issue licenses in the name of the City of Erie, to the persons and for the purposes mentioned and described in the first section of this ordinance, upon the payment of the sum of ten (a) dollars each and every year.

Id. § 3.

Penalty.

5. If any person or persons shall sell at auction any goods, wares, merchandise and other articles of trade, on the streets and highways, and adjacent to the public parks of the city, without having obtained a license as hereinbefore provided, such person or persons shall forfeit and pay to the use of said city the sum of five dollars for each and every article sold in violation of this ordinance.

CIRCUSES, ETC.

Ord. 2231.
Oct. 19, 1906.
§ 1. I. 819.

Circus and
Parade
license.

6. It shall not be lawful to parade, or cause to be paraded, exhibit, or cause to be exhibited, any circus or menagerie in the City of Erie, without a license therefor being first obtained from the Mayor of said City.

Id. § 2.

Amount.

7. The license fee for parading or exhibiting a circus or menagerie, or both, in the City of Erie shall be fifty dollars per day.

Id. § 3.

Penalty.

8. Any person, firm, company or corporation violating any provision of this ordinance shall forfeit and pay to the City of Erie a penalty of fifty dollars (\$50) for each and every such offense.

FIRE WORKS.

Ord. 2220.
Aug. 26, 1903.
§ 1. I. 311.

9. No person shall make or sell, or cause to be made or sold, or expose for sale, within the limits of the City, any

or persons shall forfeit and pay to the use of said city a fine of not less than twenty nor more than fifty dollars for every such offense. June 12, 1876

11. It shall be lawful for the Mayor to grant a license under his hand and seal to any person or persons wishing for themselves, or as representatives of other individuals or firms located and doing business outside of the city limits, on such person or persons paying for the use of the city twenty dollars for each day, or part of a day in which they are so engaged in canvassing, taking measures and orders for the purposes aforesaid: *provided*, that no such license shall be granted until the party applying for it shall produce to the Mayor the receipt of the Treasurer of the city for the price of such license. The license so granted by the Mayor shall state specifically the day or days for which it is granted. Id. § 2.
Cost of
license.

(a)

MARKET HOUSE.

12. That a license tax in the sum of One Hundred Dollars (\$100) be and is hereby levied upon all market house companies doing business in the City of Erie, which tax shall be payable annually on or before the first Monday of April of each year. Ord. 1201.
Apr. 15, 1896.
§ 1. G. 224.
Market
House Co.
license.
Id. § 2.

13. Said license tax shall be paid to the City Treasurer on or before the first Monday in April of each year as above provided, and the City Treasurer shall issue therefor a good and proper receipt. Payable to
City Treas-
urer.
Id. § 2.

14. That on the failure of any market house company to pay the tax as above provided, it shall be the duty of the City Treasurer of the City of Erie to certify said failure to the City Solicitor of the said city, who shall forthwith proceed to enforce the collection thereof according to law. Id. § 2.
Collection.

MERRY-GO-ROUNDS, FERRIS WHEEL, ETC.

15. That from and after the passage of this ordinance it shall not be lawful to operate a merry-go-round, Ferris wheel, or any similar device, in the City of Erie unless a license therefor shall first be obtained from the Mayor of said City. Ord. 2632.
Sept. 2, 1906.
§ 1. J. 121.
Merry-go-
round, Ferris
wheel, etc.,
license.

16. That it shall not be lawful for such merry-go-rounds, Ferris wheels or devices aforesaid, to operate later than half past ten of any night. Id. § 2.
Not to oper-
ate after
10.30 P. M.

17. The Mayor in his discretion, is hereby authorized to issue licenses in the name of the City of Erie for the purpose described in Section one of this ordinance upon the payment, for the use of said city, of Five (\$5) Dollars per week if license is taken out for a period of not less than four weeks, and of Three (\$3) Dollars per week if taken for a longer period. Id. § 2.
Amount of
license.

18. Any violation of any provision of this ordinance shall subject the offender to a penalty of Twenty-five (\$25) Dollars, and in default of the fine and costs so imposed, the per- Id. § 4.
Penalty.

(a) It would appear from the case of Titusville vs. Brennan, 143 Pa. 642, that this ordinance is restricted to tax-ation of citizens of this state selling goods produced therein.

LICENSESES.

Sept. 2, 1905 son or persons convicted as aforesaid, shall be imprisoned in the Common Jail of Erie County, Pa., for a period not exceeding thirty days.

PEDDLING.

Ord. 1285.
Jan. 5, 1897.
§ 1. G. 301. 19. That a license tax of Forty-eight Dollars (\$48) per annum be and is hereby levied upon each hawker, peddler and produce or merchandise vender doing business in the City of Erie; said tax to be collected as hereinafter provided.

Peddlers;
license fee.

Id. § 2.

Badge; per-
mit.

20. Said tax shall be paid to the City Treasurer before said person shall carry on or engage in said hawking, peddling, or vending of produce or merchandise, who shall thereupon issue a receipt for the amount to the person paying therefor, and deliver the same to the Mayor of the City, who shall forthwith furnish to said person a suitable badge to be worn by said person while engaged in the said business of hawking, peddling, or vending, and issue a properly signed permit for said business.

Id. § 3.

Penalty.

21. Any person or persons engaging in said business of hawking, peddling, or vending produce or merchandise without having first paid the license tax as hereinbefore provided, shall upon conviction thereof, before the Mayor of the City, or any Alderman therein, be subject to a fine of not less than twenty nor more than fifty dollars for each offense, and in case of failure to pay the said fine shall be committed to the County Jail for a period of not less than ten nor more than thirty days. Provided, however, the right of any person to obtain a license by virtue of any Act of Assembly of this Commonwealth shall not be impaired by this ordinance.

POLES AND CROSSARMS.

Ord. 2010.
Dec. 18, 1902.
§ 1. I. 206.

Poles and
crossarms;
license.

22. That from and after the first Monday of April, A. D. 1903, any person, firm, company or corporation that may now have erected or maintained, or may hereafter erect or maintain any pole or crossarm for the conveyance, attachment or support of any wire for electric light, telephone, telegraph, electric street railway or other purposes, shall be sub-

year to cause a thorough count, (a) inspection and record of all telegraph, telephone, street car and electric light poles, and all other poles erected within the limits of said City, also count and record the number of crossarms thereon, and the distance between said crossarms, and count and report to the Mayor the number of brackets thereon, if any, and if any pole shall be found to be defective, unsuitable or unsound, he shall notify the owner or owners of said pole to forthwith replace the same with a sound pole; and it shall be the duty of such owner or owners to replace such defective, unsuitable or unsound pole within forty-eight hours after receiving such notice.

25. It shall not be lawful to place or use a bracket on any pole for the purpose of supporting, attaching or carrying a wire. Id. clause 3.
Use of
brackets
prohibited.

26. It shall be the duty of every such owner or owners on or before the first Monday of April, A. D. 1903, and annually thereafter, to apply in writing to the City Treasurer for a license to maintain for the ensuing year, the poles and crossarms then erected, specify the poles to be maintained by their designation, as provided for in this ordinance, together with the number of crossarms thereon, and the City Treasurer shall issue such license to such applicant upon the payment to him, for the use of the City of Erie, of Fifty Cents for each and every pole authorized to be maintained thereby, including one crossarm if any, thereon, and Ten Cents for each additional crossarm. Whenever the space between crossarms shall exceed two feet in length of pole, the excess over two feet shall be subject to license at the rate of Ten Cents for every two feet or fraction thereof. Said license shall authorize the maintenance of the poles and crossarms designated in such application only for the period of one (1) year, to be computed from the first Monday of April of each and every year, and no longer. All revenues derived from licenses under this ordinance shall be credited to the City Conduit fund. Id. clause 4.
License fee.

Appropriated to conduit fund.

27. That if any person, firm, corporation or company shall, in any way, violate the provisions of this ordinance, it shall be the duty of the City Electrician to report such violation to the Mayor, who shall notify said person, company, corporation or firm of said violation, and it shall then be the duty of said person, company, corporation or firm to correct said violation within ten (10) days from receipt of said notice. Id. clause 5.
Violations
to be re-
ported.

28. Any pole not lettered and numbered as provided for in this ordinance shall be considered a "dead" or unused pole, and it and its crossarms may be removed by the City or its officers as an obstruction of the highway, without liability therefor and at the expense of the owner or owners of such pole and its crossarm. Id. clause 6.
"Dead"
poles to be
removed.

29. Any person, firm, corporation or company who shall violate any provisions of this ordinance, shall be subject to Id. clause 7.
Penalty.

(a) The number of poles in the City of Erie, Feb. 15, 1904, was 11,374, number of cross-arms thereon, 10,905. For

number owned by each company see Select Council Journal 1, page 59.

Dec. 18, 1902

a penalty of one hundred dollars for each and every offence, to be sued for and recovered in the manner now provided by law for the recovery of like penalties; and the erection or maintenance of any single pole or crossarm in violation of the provisions of this ordinance, shall constitute a distinct and separate offense thereunder.

Id. § 2.Repeal.

30. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, except so far as any penalty or penalties provided by said ordinances shall have been incurred by any such person, firm, company or corporation.

Ord. 2552.
June 8, 1904.
§ 1. J. §

Restaurant
wagon
license.

RESTAURANT WAGONS.

31. That any person, firm, company or corporation upon payment of an annual license of One Hundred (\$100) Dollars, to the Treasurer of the City, shall be permitted and is hereby authorized to maintain and operate a Restaurant Wagon in the City of Erie, for the purpose of furnishing food to any person desiring to purchase the same, provided that such person, firm, company or corporation so maintaining and operating Restaurant Wagons, shall not obstruct the passage of the people on the streets or highways.

Id. § 2.

Amount of
license.

32. The Mayor of the City of Erie is hereby authorized to issue licenses in the name of the City of Erie, to the person, firm, company or corporation applying for the same, and for the purposes mentioned and described in Section 1 of this ordinance, upon the payment of the sum of One Hundred (\$100) Dollars, each and every year, to the Treasurer of the said City of Erie.

Id. § 3.

Payable to
Treasurer.

33. No license shall be issued by the Mayor till the party applying therefor shall exhibit to the Mayor the Treasurer's receipt for the amount.

Ord. 1563.
Mar. 30, 1890.
§ 1. H. 233.

Street car
license.

STREET CARS.

34. That there shall be levied, collected and paid within the City of Erie, by every person, firm or corporation using

City Treasurer, as he, the City Treasurer, may desire, and said license shall be hung in a conspicuous place in each car. Mar. 30, 1899

37. That any person, firm or corporation failing to take out a license, or refusing to pay the license tax required by this ordinance, or who shall violate any of the provisions thereof, shall on conviction, be fined not less than ten, nor more than fifty dollars, and in default of payment thereof, be imprisoned in the County Jail not exceeding thirty days. Id. § 4.
Penalty.

THEATERS, CONCERT HALLS, ETC.

38. That all Opera Houses, Theatres, Concert Halls and other halls allowing public exhibitions for pay, except those for local religious, educational or charitable purposes, shall pay a license tax to the City of Erie in manner following, to-wit: Every Opera House, Theatre, Concert Hall or other hall having a seating capacity of twelve hundred (1200) or more shall pay an annual tax of one hundred dollars (\$100). All halls having a seating capacity of five hundred (500) and less than twelve hundred (1,200) shall pay a license tax of fifty dollars (\$50), and all halls having a seating capacity of less than five hundred (500), shall pay a license tax of twenty-five dollars (\$25). Ord. 1214,
June 30, 1896.
§ 1. G. 242.
Theater
license;
amount.

39. That the seating capacity of any Opera House, Theatre, Concert Hall or other hall, shall be estimated by the Building Inspector under the direction of the Mayor of the City of Erie, and shall be verified by affidavit of the owner or lessee of said hall. Id. § 2.
Manner of
determin-
ing seating
capacity.

40. That said license tax shall be paid to the City Treasurer on or before the first day of September of each year, and every year, and upon the presentation of the receipt of the Treasurer for the amount of the tax, the Mayor shall issue a license to the party presenting the same for one year from the date thereof. Id. § 3.
When
license pay-
able.

41. That any person or persons being the owner or lessee of any Opera House, Theatre, Concert Hall or other hall, who shall violate any of the conditions of this ordinance, or shall present an entertainment for pay, except for local religious, educational or charitable purposes, shall be subject to a fine of not less than ten dollars (\$10), nor more than one hundred dollars (\$100), and in default of the payment of said fine, said person or persons shall be committed to the County Jail for a period of not less than three (3) nor more than thirty (30) days. Id. § 4.
Penalty.

42. That if any person or persons shall exhibit, or cause to be exhibited, for pay, within the bounds of the city, any plays, shows, jugglers, mountebanks, animals, or any musical concert, or other exhibition, without special license in writing for that purpose first obtained from the Mayor, such person or persons shall forfeit and pay to the use of said city a fine of not less than fifty nor more than one hundred dollars for every such offense. (a) June 12, 1893.
§ 1. A. 55.
License for
shows, con-
certs, etc.;
penalty.

(a) This ordinance, so far as it applies to circuses, menageries and parades, is superseded by Ordinance 2231, approved Oct. 19, 1903, I 319, Supra 6, 7 and 8; so far as it relates to merry-go-rounds, etc., it is superseded by Ordinance 2533, approved Sept. 2, 1905, J 131, Supra 15 to 18, inclusive; so far

as it relates to opera houses, public halls, etc., it is superseded by Ordinance 1214, approved June 30, 1896, G 242, Supra 38 to 41, inclusive, and so far as it relates to athletic exhibitions is superseded by Ordinance 1905, approved Aug. 22, 1901, I 58, Supra 1, 2.

June 12, 1863.
§ 3.
A. 56.

Cost of
license.

43. It shall and may be lawful for the Mayor, in his discretion, to grant a license under his hand and seal to any person or persons wishing to exhibit any such shows,, or plays or to have any exhibition, on such person or persons paying, for the use of the city, not less than three nor more than fifty dollars for every day or night on which it shall be designed to exhibit, to be fixed by the Mayor at his discretion; *provided*, that no such license shall be granted until the party applying for it shall produce to the Mayor the receipt of the Treasurer of the city for the sum previously fixed on by the Mayor, as the price of such license. The license so granted by the Mayor shall state specifically the days or nights for which it is granted. The Mayor shall be entitled to demand a fee of one dollar for granting each license, to be paid by the party receiving such license. (a)

Id. § 5. A. 56

Penalty for
employing
minors in
shows, etc.

44. If any person or persons shall employ or engage any minor or apprentice to take part in, to play, perform or exhibit, in any play, show, or spectacle, circus, or theatrical entertainment, in said city, without first having obtained permission of both parents and masters of such minor or apprentice, or when there is not both parent and master of such minor or apprentice, then the consent of either one or the other, as the case may be—he, she, or they so offending, shall forfeit and pay the sum of forty dollars.

July 12, 1866.
§ 2. A. 226.

Duty of
Sergeant-at
Arms rela-
tive to show
license.

45. It shall be the duty of the Sergeant-at-Arms to see that any and every person so exhibiting has a license, as aforesaid, and for this purpose it shall be lawful for him to demand from such person or persons an inspection of such license, and any refusal to exhibit such license shall subject the person so refusing to a fine of five dollars. It shall further be the duty of the Sergeant-at-Arms to institute suit against any person violating the provisions of this ordinance, before the Mayor, or a Justice of the Peace of said city.

Id. § 4.

46. It shall be the duty of the Sergeant-at-Arms, and one

Mayor of said city, who shall issue such license upon production of the Treasurer's receipt for the amount of the same, as hereinafter provided. Dec. 20, 1899

48. That the amount of such license shall be two hundred (\$200) dollars per month, or fractional part thereof, and it shall be paid to the Treasurer of said city. Said license shall be renewed monthly during the continuance of said sale. (a) Id. § 2.
License fee.

49. That every person violating any provision of this ordinance shall be subject to a fine of not less than one hundred (\$100) dollars, nor more than two hundred (\$200) dollars, to be collected as other fines are by law collectible, and in default of payment of said fines, to be imprisoned in the County Jail for a period not exceeding thirty days. Id. § 3.
Penalty.

50. That the following entitled ordinances, viz:
"An ordinance relating to the licensing of certain kinds of business," approved by limitation April 6th, 1885; City Digest, page 188. (b) Id. § 4.
Repeal.

"An ordinance fixing the license to be obtained from transient retail business in the City of Erie," approved April 2nd, 1894; City Digest, page 189; (b)
And all other ordinances and parts of ordinances inconsistent herewith, are hereby repealed.

(a) See Titusville vs. Brennan, 143 Pa. 642. (b) This refers to Digest of 1896.

Markets.

[See "Health Department," "Licenses" and "Scaler of Weights and Measures."]

1. Fresh meat not to be sold on the market in less quantity than one-quarter of carcass.
2. Penalty.
3. Not more than two ribs to be included in hind quarter; penalty.
4. Sale of unwholesome meat or provisions and poultry without being drawn prohibited; penalty; forfeiture.
5. Sale of veal less than four weeks old when killed prohibited; penalty; one-half to informer.
6. Unripe berries or fruit not to be sold; penalty; forfeiture.
7. Enforcement of ordinance.
8. Manufactured articles not to be sold on the market except by manufacturer.
9. Penalty.
10. Slaughter houses and butcher shops to be whitewashed; penalty.
11. Meat vendors to be neatly dressed; penalty.
12. Weight of bread; to be stamped on each loaf; penalty.
13. Standard measure for fruits, vegetables, etc.; regulations; penalty.
14. Inspection of weights and measures.
15. Penalty for altering a measure stamped.
16. Central Market House; preamble.
17. Mayor authorized to contract with Central Market Co.
18. To erect and maintain a market house 120x300 feet.
19. City's option to purchase.
20. Established as a market.
21. Power to fix rates, etc.
22. Shall fix market days.
23. Power reserved by the city.
24. Contracts and leases for space.
25. Market rents.
26. 100 stalls to be reserved for producers.
27. Acceptance; bond; in case of default the street market may be re-established.
28. Street markets abolished; Central Market House designated as a market place; conditions.
29. The privilege not exclusive.
30. Location of Hay and Wood Market.
31. Hay, Straw and Wood Market.
32. Privileges to be rented.
33. Official title of Lessee.
34. He shall not deal in Market commodities.
35. Operation of Market Scales.
36. Market hours; responsibility for deputy.
37. Care of scales and market place; attention to business; weighing; certificate; fee.
38. Weighing of hay and straw.
39. To be compulsory; exception.
40. Telephone and bulletin board.
41. Superintendent to have police powers; ordinance to be posted.
42. Wood measuring.
43. Power to annul contract.
44. Penalty.
45. Wood measurer; duties; fees; penalty; not to apply to more than two cords.
46. Sale and measurement of wood.
47. How to be piled in box.
48. Penalty.
49. The superintendent of hay scales to be wood measurer; fees.
50. Wood measurer to report violations of ordinance; penalty.

July 30, 1873.
§ 1. A. 506.

Fresh meat
not to be sold
on the mar-
ket in less
quantity
than one-
quarter of a
carcass.

1. * * * It shall not be lawful for any person or persons to sell, within the market limits of the City of Erie, or in the streets immediately adjacent thereto, on regular market days, any fresh meat, of any kind whatsoever, in less quantity than one-quarter of the whole carcass; *provided*, that this section shall not be so construed as to prevent the sale of the heads, hearts, tongues, and livers, or such other parts of the carcass as are generally sold separate from the main carcass.

Id. § 2.
Penalty.

2. Any person or persons violating the provisions of this ordinance shall forfeit and pay to the City of Erie a fine of twenty-five dollars for each and every offense, to be collected as debts of like amount are by law collectible.

Feb. 11, 1874.
A. 483.

Not more
than two
ribs to be
included in
hind-quarter;
penalty.

3. * * * All meat sold in quarters on the public market of the City of Erie, shall be cut up with not more than two ribs attached to the hind-quarter; and any person or persons violating this ordinance shall pay a fine of five dollars for each offense, to be collected as other like fines are collected.

Apr. 23, 1874.
§ 1. A. 443.

Sale of un-
wholesome
meat or pro-
visions and
poultry
without be-
ing drawn
prohibited;
penalty;

Forfeiture.

4. If any person shall sell, or expose for sale in the City of Erie, any unwholesome, stale, emaciated, blown, stuffed, tainted, putrid or measly meat, poultry or provisions, or poultry without being drawn, such person shall forfeit and pay the sum of fifty dollars and be imprisoned in the county jail for twenty days for every such offense; and the said meat, poultry or other provisions exposed for sale, shall, without delay, upon the view of the Mayor, Clerk of the Market, or Health Officer of the city, be seized and destroyed.

Mar. 26, 1877.
§ 5. A. 487.

Sale of veal
less than
four weeks

5. No person shall offer or expose for sale, within the limits of the City of Erie, any fresh meat, being any part of the carcass of any calf which shall have been less than four weeks old at the time it was killed, under the penalty of one

8. That hereafter it shall not be lawful for any person or persons to sell on market days on the public market place as the same now is or may be hereafter established, any manufactured articles whatsoever, except such articles as are manufactured and sold by the same party; but other sales thereon shall be confined to fish, meats, vegetables, and the like commodities usually sold at meat and vegetable markets. * * *

Ord. 118.
Apr. 4, 1884.
§ 1. C. 167.

Manufactured articles not to be sold on the market except by manufacturer.

9. Any person violating the provisions of this ordinance shall forfeit and pay the City of Erie a penalty of not less than five dollars nor more than ten dollars for each and every offense, to be collected by action of debt or summary conviction. And in the case of non-payment of any fine imposed and costs, shall be imprisoned not exceeding thirty days, or until such fine and costs be paid.

Id. § 2.
Penalty.

10. The owner or occupant of every slaughter house and butcher shop in the City of Erie shall cause the same to be whitewashed inside at least once in each month, between the first day of March and the first day of November of every year; and for every failure or neglect to comply with the provisions of this section such owner or occupant shall pay a fine or penalty of ten dollars.

Mar. 26, 1877.
§ 4. A. 437.

Slaughter houses and butcher shops to be white-washed; penalty.

11. No butcher, nor any person in his employ, shall appear at his shop for the purpose of cutting, handling or vending meat, unless he shall be neatly and cleanly dressed, with a white apron and white oversleeves extending above the elbows, or a white frock, under the last named penalty. (Ten dollars.)

July 12, 1886.
§ 6. A. 224.

Meat vendors to be neatly dressed; penalty.

STANDARD WEIGHT OF BREAD.

12. Each and every loaf of bread, of whatsoever kind, hereafter manufactured in the City of Erie, for sale, shall weigh either three-fourths of one pound, one and one-half pounds, or three pounds, and the weight of each and every loaf shall be stamped thereon in figures.

Dec. 17, 1877.
§ 1. A. 494.

Weight of bread; to be stamped on each loaf.

Any person or persons manufacturing and offering for sale within the limits of the City of Erie, any loaf or loaves of bread of any other weight than those above prescribed, or who shall neglect to stamp thereon the figures denoting the weight thereof, shall forfeit and pay to the City of Erie the sum of five dollars for each and every such offense, to be collected as other penalties due said city are by law collectible.

Id. § 2.
Penalty.

13. * * * No person shall sell or offer for sale in the City of Erie, any fruit, roots, berries, vegetables, or other produce or commodity usually sold by dry measure, except in cylindrical vessels, with a plain and even bottom, and of the shape and dimensions required by the laws of this Commonwealth, to wit: The standard for said measures shall be the bushel, and shall contain two thousand one hundred and fifty cubic inches and forty-two hundredths of an inch, and the denominations thereof shall be four pecks make one bushel; and the minor divisions of a peck shall be its aliquot parts; and the form of the dry measure shall be conical, the diameter of the top thereof one-twentieth larger than the diameter of the bottom, and the height thereof three-fourths the diameter of the bottom; and the peck, half peck, quart and pint meas-

July 20, 1864.
§ 1. A. 169.

Standard measure for fruits, vegetables, etc. Regulations.

July 20, 1864. ures used in the sale of any of the aforementioned articles, or any commodity sold by dry measure, shall be of the same shape and corresponding size as hereinbefore stated; nor shall any person sell or offer for sale any such article or commodity, as hereinbefore mentioned, unless duly heaped up in the form of a cone, the base of which shall be equal in size to the top of the measure, and the said cone to be as high as the size of such measure will permit. And any person or persons who shall violate the provisions of this ordinance shall forfeit and pay a penalty of ten dollars for each and every offense.

Ord. 1063.
Mar. 9, 1896.
§ 1. G. 104.

Inspection
of weights
and meas-
ures.

Id. § 2.

Penalty for
altering a
measure
stamped.

14. That from and after the passage of this ordinance, it shall be the duty of the Health Officer of the City of Erie to inspect at least once in each month all the weights and measures used in the sale of commodities upon the markets of the City of Erie; and in case said weights and measures shall not correspond with the standard established by the statute of the Commonwealth of Pennsylvania, he shall pass the same and stamp said weights and measures with such device as may be deemed proper by him; and if such weights or measures shall not correspond with the standards as established by the statutes of the Commonwealth of Pennsylvania, then he shall condemn and confiscate said weights and measures and immediately take possession thereof. (a)

15. Any person who shall in any way alter any measure after the same shall have been stamped and approved by the Health Officer of the City of Erie for the buying and selling of commodities upon the street markets of the City of Erie, or any dealer, vender or weigher who shall have in his possession any scales, beam, weight or measures so altered as aforesaid, shall, on conviction thereof before the Mayor or any Alderman of the City of Erie, forfeit and pay the sum of Ten Dollars (\$10) for the use of the said, The City of Erie; and if the person so convicted, refuse or neglect to pay such forfeiture with costs of proceeding immediately or produce

covering an area of three hundred and thirty-five (335) feet front on State Street and extending westwardly one hundred and twenty-five (125) feet from the west line of State Street. Therefore,

Sept. 5, 1898.

17. *Be it ordained, etc.* That the Mayor be and is hereby authorized and directed to enter into a contract with said Central Market Company for the erection, regulation, construction, and maintaining of a market house upon land abutting on the west side of State Street, between Fifteenth and Sixteenth Streets, in the City of Erie, for a term of twenty-five (25) years from and after the passage of this ordinance, upon the following terms and conditions and subject to the following provisions:

Id. § 1.

Mayor authorized to contract with Central Market Co.

18. That said Central Market Company shall erect, construct and maintain, at its own proper cost and charges, a building to be constructed of stone, iron, brick, slate, glass and wood, suitable and proper for the purposes of a market house, the building to be not less than three hundred (300) feet frontage on State Street and extending westwardly not less than one hundred and twenty (120) feet from the west line of State Street; the building to be from twenty (20) to forty (40) feet in height, including the towers, openings, ventilations, skylights, etc., with the necessary and convenient fixtures for the business of weighing, dividing, measuring and selling, including refrigerators, stalls, booths, space, etc. Said Central Market Company to begin the construction and erection of said building within thirty (30) days after the execution of the contract and to continue thereat continuously and complete said building ready for occupancy within four (4) months from the date of said contract. (a)

Id. § 2.

To erect and maintain a market house 120 x 300 feet.

19. The Central Market Company to covenant and agree in said contract that at the termination of five (5) years, or at any time thereafter before the expiration of said twenty-five (25) years the City of Erie may, at its election and option, purchase the said lands, buildings, equipments, etc., at its market price or value; the value and terms of payment to be ascertained and determined by three appraisers to be appointed by the Court of Common Pleas of Erie County; either party dissatisfied with said appraisal and terms of payment to have the right of appeal to a jury trial from the award of said appraisers and to have a jury and the Court of Common Pleas of Erie County determine the valuation of said property and the price at which the City of Erie is to take the same and the time and manner of payment thereof. The City of Erie to notify said Central Market Company in writing of its election to take said property at least one year prior to the expiration of the time fixed for the purchase of said market.

Id. § 4.

City's option to purchase.

20. That for and during the period aforesaid (twenty-five years) said premises are designated, appointed, bounded, described and established as a market.

Id. § 5.
E. 120.

Established as a market.

Id. § 6.

21. That for and during said period aforesaid (twenty-

Power to fix rates, etc.

(a) Third section of this ordinance, which provided for payment of a license tax to the city, was repealed by Ordin-

ance 1195, approved March 27, 1896, G 223.

Sept. 5, 1898. five years) said Central Market Company to have control, supervision and charge of said premises (unless sooner purchased by the City of Erie); to have full power and authority to establish rules and regulations governing the same; to make, formulate, and adopt by-laws for the government of said market house, with power to change, (a) alter, revise and modify said rules, regulations and by-laws or any of them; to fix the rates, (b) tolls, fees, charges, rents, assessments, licenses and permits for the stalls, booths, or spaces in said market house, and from time to time to modify, enlarge, increase, change or alter the same.

Id. § 7.
Shall fix
market days.

22. Said Central Market Company to fix and determine on what days of the week and during what hours of said days the market shall be open to the public, and to change or modify the same, and to do all other matters and things necessary for the proper carrying on of the business for which said Central Market Company was incorporated and organized.

Id. § 8.
Power re-
served by
the city.

23. The City of Erie to exercise only such powers as would include supervision over said market for purposes of cleanliness, ventilation, inspection of the quality of the articles sold and the weights and measures employed in making sales.

Id. § 9.
Contracts
and leases
for space.

24. Said Central Market Company to have the power and authority for and during the period aforesaid (twenty-five years), unless the said market shall be purchased by the City of Erie, to make and execute all necessary and proper contract or contracts, lease or leases for the purpose of securing the payment to it of all rates, tolls, fees, charges, rents, assessments, licenses and permits and any, all or every of them, for all stall or stalls, booth or booths, space or spaces in said market house, with the lessee or lessees desiring to occupy, occupying or being in possession thereof, upon such terms and conditions as said Central Market Company may make with said lessee or lessees, and with full power and authority to enforce collection and payment thereof by and from said lessee or lessees.

That the said Central Market Company accepts each and every of the provisions in this ordinance contained; that the said Central Market Company shall forfeit any and every right by it obtained under or by virtue of any ordinance of the City of Erie, passed prior to the passage of this ordinance, in case of their failure to carry out the provisions hereof; that the said Central Market Company shall file with the City of Erie a bond, with two sufficient sureties, in the sum of five thousand dollars (\$5,000), conditioned for its compliance with the terms of said contract—said bond to be renewed whenever the said City of Erie, by resolution of Councils, may so direct; that the Mayor of the City of Erie, in case of the violation of any of the provisions of said contract, shall have power at any time to declare the market house of said Central Market Company to be no longer the City Market House, and to designate such portion of any such streets as the Councils may by resolution approve for a Market Place for the accommodation of the farmers and producers offering to sell goods in the City of Erie. (a)

Mar. 7, 1895

In case of default the street market may be re-established.

STREET MARKETS ABOLISHED.

28. That the Meat and Vegetable Street Markets of every kind in the City of Erie, be and the same are hereby abolished after the first day of April, A. D. 1895, and the Central Market House, be and is hereby designated as a Market Place. Said Central Market Company to conduct its said market house in compliance with, and subject to all the conditions contained in the Ordinance, No. 885, and approved the fifth day of September, A. D. 1893.

Ord. 1078.
Mar. 21, 1895.
§ 1. G. 110.

Street markets abolished; Central Market House designated as a market place; conditions.

29. The privilege hereby granted to the Central Market Company, is not an exclusive one, the City of Erie reserving the right to extend the same privilege to any other person, company or corporation, whenever any other person, company or corporation, may wish to build a market house.

Id. § 2.

The privilege not exclusive.

HAY AND WOOD MARKET.

30. That from and after the passage of this ordinance the Hay and Wood Market in the City of Erie shall be, and is hereby located on the north side of Eighteenth Street, between German Street and Parade Street, on the following described piece of land, to wit: Beginning at a point in the north line of Eighteenth Street two hundred and six and one-fourth ($206\frac{1}{4}$) feet westwardly from the intersection of the west line of Parade Street with the said north line of Eighteenth Street; thence north parallel with Parade Street one hundred and thirty-two (132) feet to an alley; thence west along the south line of said alley one hundred and seventy-seven and one-fourth ($177\frac{1}{4}$) feet; thence south parallel with Parade Street one hundred and thirty-two (132) feet to the north line of Eighteenth Street; thence east along said north line of Eighteenth Street one hundred and seventy-seven and one-fourth ($177\frac{1}{4}$) feet to the place of beginning.

Ord. 1247.
June 10, 1897.
§ 1. H. 13.

Location of hay and wood market.

(a) For acceptance and bond see Select Council Journal S, page 346.

Ord. 2510.
Apr. 3, 1905.
§ 1. J. 89.

Hay, straw
and wood
market.

Id. § 2.

Privileges
to be rented.

Id. § 3.

Official title
of Lessee.

Id. § 4.

He shall not
deal in mar-
ket com-
modities.

Id. § 5.

Operation
of market
scales.

Id. § 6.

Market
hours; re-
sponsibility
for dep-
uty.

Id. § 7.

Care of
scales and
market
place; at-
tendance to
business;
weighing.

31. Until otherwise ordered the Public Market for the sale of Hay, Straw and Wood in the City of Erie shall be and remain at its present location, north of Eighteenth Street between German and Parade Streets.

32. The privilege of operating said market and of collecting the fees thereof shall be rented from time to time to the highest and best bidder, for such period as Councils may prescribe by resolution.

33. The lessee of said Market shall be known as the Superintendent of the Hay, Straw and Wood Market. He shall be entitled to charge and collect for his own use the legal market fees of said Market.

34. The Superintendent of said Market shall not engage, or be engaged, in the business of buying, selling, or dealing in hay, straw, wood, or any other commodity usually sold on said market; neither shall he have any personal interest in any firm or corporation dealing in any of said commodities, during his term as such superintendent.

35. The Market Scales shall be operated only by the Superintendent of said market, or his authorized deputy, and any unauthorized tampering with said scales, or any part thereof, is hereby prohibited.

36. The market hours for said market shall be from 9 o'clock a. m. to 6 o'clock p. m., from April 1 to October 1, and from 9 o'clock a. m. to 5 o'clock p. m., from October 1 to April 1, and it shall be the duty of said superintendent to be in constant attendance personally, or by competent deputy, on said market every secular day during said hours. The Superintendent of said market shall be responsible for the acts of his deputy in the official discharge of his duties as such.

37. It shall be the duty of said superintendent to keep the market place clean and free from refuse and offal and to keep the market scales always in order for weighing with accuracy, and either by himself or his deputy without unnecessary delay, during market hours, to weigh on said scales all hay, straw,

40. The said City shall furnish and locate a waiting room, telephone and bulletin board on said market, in connection with scale office, for the use and convenience of all patrons of the said market, and it shall be the duty of the Superintendent of said market personally, or by his deputy, to answer all telephone calls during market hours and to immediately bulletin the same so far as they relate to the purchase or sale of commodities on said market, giving the names and addresses of intending purchasers and the kinds of commodities they wish to buy, for the benefit of all persons present and having such commodities for sale; and all persons having hay, straw, wood or other authorized commodity for sale may have free use of the telephone for a reasonable length of time to talk directly to the intending purchasers and make their own bargains.

April 3, 1905
Id. § 10.
Telephone
and bulletin board.

41. For the purpose of preserving order on said market the superintendent thereof is hereby invested with the powers of a police patrolman, and he shall keep a copy of this ordinance posted in the waiting room of said market.

Id. § 11.
Supt. to have police powers; Ordinance to be posted.

42. The regulations and fees for the sale and measuring of wood on said market shall remain as heretofore, except so far as the same may be changed by this ordinance.

Id. § 12.
Wood measuring.

43. The City of Erie, by the Mayor thereof, reserves the right to annul the contracts or leases between said City and the superintendent of said market, at any time, upon reasonable proof of the violation of any provision of this ordinance by said superintendent.

Id. § 13.
Power to annul contract.

44. Any person violating any provision of this ordinance shall, upon conviction thereof, before the Mayor or any alderman of said City, be sentenced to pay the costs of prosecution and to forfeit and pay a fine of not less than five nor more than fifty dollars for each offense, for the use of said City, and in default of the payment of the costs and fine so imposed, the person so convicted shall be committed to and imprisoned in the common jail of the County of Erie, Pennsylvania, for a period not exceeding thirty days.

Id. § 14.
Penalty.

45. That the Councils of said city shall * * * appoint some suitable person, whose duty it shall be to measure and inspect all cordwood, (a) whatever length the same may be, offered for sale within said city, and give a certificate thereof, who shall receive ten (b) cents for each cord, or for each load or pile of wood containing less than a cord, inspected, measured and certified, to be paid by the seller; and any person disposing of any cordwood within the city, or buying the same uninspected or unmeasured, shall forfeit and pay the sum of five dollars, to be sued for and recovered as other debts of like amount due said city; *provided*, no person shall be subjected or made liable to a fine for buying or selling any lot or parcel of wood containing more than two cords, where the parties mutually agree on the measurement.

May 27, 1861.
§ 1. A. 124.
Wood measurer; duties; fees; penalty; not to apply to more than two cords.

(a) See *Infra* 49.

(b) So amended by ordinance of January 10, 1865. See *Infra* 46.

Jan. 10, 1865.
§ 1. A. 173.

Sale and
measure-
ment of
wood.

46. * * * It shall not be lawful for any person or persons to sell or offer for sale in the City of Erie, any fire-wood otherwise than by the cord, and in boxes or racks that shall be of equal width at top and bottom, and from end to end, and the quantity of fire-wood contained in any such box or rack, and so sold or offered for sale, shall be computed on the basis of one hundred and twenty-eight solid feet of wood for a cord. and the wood measurer of said city shall compute each load of wood offered for sale in said city, on that basis, making due and just allowance, as he shall deem right, for the spaces between the sticks or layers of wood composing each load, and the price of measuring each load of one cord or less, shall be ten cents, and no more, to be paid at the time of measurement.

Id. § 2.

How to be
piled in box.

47. Every person selling, or offering for sale, fire-wood in the City of Erie, shall pile the same in the box or rack containing the same as straight and as compactly as possible, and without any attempt at concealment of the kind of wood in said load.

Id. § 3.

Penalty.

48. Every person violating any of the provisions of this ordinance, shall forfeit and pay for each offense the sum of five dollars.

Id. § 4.

The super-
intendent of
hay scales
to be wood
measurer;
fees.

49. The person appointed superintendent of the hay scales in said city, shall also be the wood measurer therein, and the fee or charge for each draft or weighing actually made on said scales, whether of hay or any other load shall be ten cents, and no more, and said charge shall be paid at the time of said weighing.

July 12, 1866.
§ 1. A. 212.

Wood meas-
urer to re-
port viola-
tions of
ordinance;
penalty.

50. That it shall be the duty of the measurer of wood to report to the Chief of Police, or to some policeman of the city, any violation of this ordinance, to which this is a supplement, and every failure of said measurer to report such violation shall subject him to a fine not exceeding ten dollars.

4. The salary of the Mayor's Clerk shall be Ninety Dollars (\$90) per month, payable monthly. (a) May 20, 1902
Id. § 2.
Salary.

(a) So amended by Ord. 2185, approved May 26, 1903, I 276.

Nuisances.

[See "Health Department"]

1. Privy vaults to connect with sewers.
2. No pig pens between 2nd and 18th, Parade and Cascade sts; pens and hen coops to be over 20 ft. from residences; size; cleaning.
3. Stable to be 20 feet from residences unless connected with sewer.
4. Penalty.
5. Stables, etc., within 20 feet from any public street deemed a nuisance; penalty.
6. Stables, etc., not to be erected within 20 feet from a street; penalty.
7. Offensive odors from stables, etc., prohibited; penalty.
8. Privy, hog pen, carcass or any offensive substance or nuisance forbidden; penalty.
9. Placing carcasses on the lake shore; penalty; repeal.
10. Rubbish, garbage, etc., not to be placed in any street, alley, lot or water course; penalty.
11. Stagnant water nuisance; penalty.

1. That it shall not be lawful for the owner, tenant or lessee of any building or buildings or lands in the City of Erie to erect or maintain on any lot or land in the City of Erie, any closet or privy vault within twenty (20) feet of any house or building used or occupied for residence purposes, unless said closet or privy vault shall have good and sufficient connections with the public sewer or sewers of the City of Erie—the character and sufficiency of said sewer connection to be at all times subject to the inspection of the Health Officer of the City of Erie, and to be repaired and enlarged whenever in his judgment such repairs or enlargement may be necessary. (a) Ord. 1122,
Oct. 20, 1895,
§ 1. G. 177.
Privy vaults
to connect
with sewers.

2. It shall not be lawful for any owner, tenant or lessee of any building or lands in the City of Erie to erect or maintain any pig pen or pen sty for the care of swine within the portion of the said city bounded as follows, to-wit: Beginning at the point of intersection of the north line of Second Street with the east line of Cascade Street, thence southwardly along the east line of Cascade Street, to the north line of Eighteenth Street, thence eastwardly along the north line of Eighteenth Street, to the west line of Parade Street, thence northwardly, along the west line of Parade Street, to the north line of Second Street; thence westwardly, along the north line of Second Street, to the East line of Cascade Street; nor shall the owner, tenant or lessee of any building or land in the City of Erie erect or maintain any pig pen or hen coop upon any lot or land in the City of Erie within twenty (20) feet of any house used for residence purposes; nor shall said pig pen or hen coop, when so erected, be of less dimensions than ten (10) feet square and five (5) feet in height; and the said pig pens or hen coops shall be thoroughly cleaned at least once in each week, or oftener if, in the opinion of the Health Officer of the City of Erie, it is necessary to do so. (b) Id. § 2.
No pig pens
between 2nd
and 18th,
Parade and
Cascade
Streets.
Pens and
hen coops to
be over 20
feet from
residences;
size; clean-
ing.

(a) See *Infra* 8.

(b) See Health Department rules.

Oct. 29, 1895
§ 2.
G. 178. 3. Nor shall the owner or tenant or lessee of any lot or lands in the City of Erie erect or maintain any stable for the keeping of cows, horses or goats within twenty (20) feet of any building used for residence purposes, unless said stable shall have connection with the public sewer of the City of Erie. (a)

Id. § 4.
Penalty. 4. Any person or persons violating any of the provisions of this ordinance, shall, upon conviction thereof before any magistrate in the City of Erie, be subject to a fine of not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100); and in default of the payment of said fine, shall be committed to the County Jail of the County of Erie for a period of not less than five (5) nor more than sixty (60) days.

Nov. 9, 1893.
§ 1. A. 159. 5. * * * * Every stable, fold or pen that shall be erected and used for the stabling, folding, or keeping of any horses, hogs, goats, cows or other cattle of any kind, within twenty feet of any public street in this city, shall be considered a nuisance, and the person or persons owning or using the same or any of them for such purpose, after two days' notice to abate the same, shall be fined in not less than two nor more than five dollars for every day he shall maintain or keep such nuisance after notice aforesaid.

Id. Sec. 2
Stables, etc.,
not to be
erected within
20 feet from a
street;
penalty. 6. It shall not be lawful for any person or persons, firm or association, to erect or build within twenty feet of any public street in said city, any building, fold or pen, to be used or maintained as a stable, fold or pen, for keeping therein any horse, hog, goat, cow, or other cattle, after the passage of this ordinance, and any person or persons, firm or association violating the provisions of this section, shall forfeit and pay the sum of five dollars for each and every day such violation shall continue.

Id. § 3.
Offensive
odors from 7. That if any person or persons, firm or association owning, keeping or maintaining any stable, fold or pen in which animals of any kind are kept or maintained, shall permit any

stance shall remain unremoved or abated, after suit is instituted for the first time, or after * * * notice to remove or abate the same. Aug. 15, 1853

9. * * * If any person shall, after the passage of this ordinance, deposit or place the body of any dead animal or carcass, or shall cause to be deposited or placed any dead animal or carcass, upon or along or near to the banks or shores of the bay or lake, within the bounds of said city, such person shall forfeit and pay a fine of not less than ten nor more than fifty dollars for every such offense, five dollars of which fine shall be paid to the informer; and so much of an ordinance passed the fifteenth day of August, one thousand eight hundred and fifty-three, as conflicts herewith, and no more, is hereby repealed. June 11, 1872
§ 1. A. 877.
Placing carcasses on the lake shore; penalty; repeal.

10. That hereafter it shall not [be] lawful for any person or persons to cast upon, place or discharge into or upon any street, highway, public or private alley, or water course within the City of Erie, any animal carcass, fish, oyster shells, tins, cans, crockery ware, ashes, rubbish, garbage, manure, slaughter house offal, or any putrid, filthy, or offensive matter whatsoever which may become a nuisance to any of the citizens, or prejudicial to the public health, nor to cast or place any animal carcass or other offensive matter whatsoever upon any vacant lot, except for the purpose of immediate burial, under the penalty hereinafter prescribed for each such offense. (a) Dec. 2, 1879.
§ 1. A. 638.
Rubbish, garbage, etc., not to be placed in any street, alley, lot, or water course. Penalty.

11. That if any person or persons, firm or association, shall cause, suffer or keep upon any occupied or vacant lot within the limits of the city, any pool, pond or accumulation of stagnant water in such place and manner as to annoy any of the citizens thereof, or endanger the health of the same, such person or persons, firm or association shall be deemed guilty of a nuisance, and shall forfeit and pay a fine of five dollars for every such offense and an additional fine of five dollars for every twenty-four hours which such nuisance shall remain unremoved and unabated after suit is instituted for the same, or after the Health Officer, Sergeant-at-Arms, or any policeman shall have given the offender or offenders notice to remove or abate the same. Aug. 8, 1876.
§ 1. A. 490.
Stagnant water nuisance; penalty.

(a) See title "Sidewalks" for penalty. The ordinance of July 1, 1862, A. 151, prohibits the depositing of oil refinery refuse in the water courses or Harbor of Erie.

Numbering Buildings, and Erection of Street Signs

[See "Signs and Awnings"]

- | | |
|--|--|
| 1. Buildings to be numbered; system; where numbers to be placed; expense to be borne by owners; penalty. | number upon receipt of application and data. |
| 2. City Engineer shall furnish the | 3. Street signs to be placed at street corners; penalty. |

July 18, 1872.
§ 1. A. 378.

Buildings to
be num-
bered; sys-
tem;

1. That the buildings on the several streets in the City of Erie shall be numbered in plain and legible figures, beginning on Front street on the north, and extending to the city limits on the south, and the numbers shall be placed on each separate dwelling and business place, and shall begin at Front Street with number one hundred and one, and all even numbers shall be placed on the west side, and all odd numbers on the east side of streets running north and south, and each square on a street shall include one hundred numbers, so that the first number on each square on a street shall be the beginning of hundreds corresponding to the number of the street on the north side of the square or block, and for the purpose of so numbering twenty feet and seven and one-half inches shall be considered a lot on all the streets in said city; Provided, however, that the system for numbering buildings fronting on Peach Street, between Twenty-sixth Street and the southern limits of the city shall be as follows: Commencing at the south side of Twenty-sixth Street with number 2601 and running consecutively to Twenty-ninth Street; commencing at the south side of Twenty-ninth Street with number 2901 and running consecutively to Thirtieth Street; commencing at a line drawn at right angles across Peach Street at the south line of Thirtieth Street with number 3001 and running thence consecutively to the south line of the city. All the buildings on streets running east and west shall be numbered beginning at State (a) Street and numbering east and west therefrom to the limits of the city. Even numbers shall be placed on the north side, and odd numbers on the south side of said street, and shall begin at State Street with number one, and each square shall include one hundred numbers. The numbers including centers of the principal entrances to dwellings or

2. All persons desiring to know the number or numbers belonging to their property may at any time within six months after the passage of this ordinance, apply to the City Engineer, furnishing the distance and direction from the nearest street, and also the side of the street on which said premises are situated, and the City Engineer shall upon such application furnish such information free of charge.

July 13, 1872
§ 2.
City Engineer shall furnish the number upon receipt of application and data.

3. Suitable signs on which shall be inscribed in plain and legible letters the names and designations of the various streets in the City of Erie, shall be * * * conspicuously placed on the corner of such and so many of the streets as the Councils, by resolution, shall designate, and if there be no building or other erection at the corners of a street on which said sign or signs can be placed, the officer charged with the duty of putting up said signs, shall procure and fix at such corner a durable post on which said sign or signs shall be placed, and if any person or persons shall interfere with the putting up of said signs, or shall deface, injure, or destroy any of said signs, or any of the numbers provided by the Second Section of this ordinance, he, she, or they so offending shall forfeit and pay a fine of twenty dollars for each and every such offense.

May 22, 1885.
§ 2. A. 181.
Street signs to be placed at street corners.
Penalty

Official Pay Days

1. Official pay days established.
2. Duty of Treasurer and heads of departments.
3. Repeal of part of ordinance of July 11, 1898.

1. That from and after the passage of this ordinance the salaries and wages of all officers and employees of the municipal government of the City of Erie shall be payable semi-monthly: The payment for the first half of the month shall be made on the 25th day of the same month and the payment for the last half of the month shall be made on the 10th day of the following month. Provided, that when either of these dates fall on a Sunday or holiday payment shall be made the day before.

Ord. 2824.
Apr. 9, 1904.
§ 1. J. 4.
Official pay-days established.

2. Pay envelopes containing the respective amounts of the semi-monthly wages and salaries of the individual officers and employees of the Police, Fire, Street, Engineer and Health Departments shall be prepared in advance by the City Treasurer and delivered to the heads of such departments, respectively, together with the payrolls therefor, and the heads of said departments shall pay over such amounts to the persons entitled to receive the same, procure their receipts therefor on the pay-rolls and return the pay-rolls when receipted to the City Treasurer.

Id. § 2.
Duty of Treasurer and Heads of Departments.

3. So much of the fourth section of the ordinance approved July 11, 1898, entitled: "An ordinance prescribing the method of drawing warrants for the various departments of the City of Erie" as makes the approval of Councils a pre-requisite to the payment of salaries and wages of City officers and employees, and all other ordinances or parts thereof conflicting herewith, be and the same are hereby repealed.

Id. § 2.
Repeal of part of Ord. of July 11, 1898.

Parks and Public Grounds

1. Protection of park fountains, trees, grass and shrubbery; penalty.
2. How enforced.
3. Injury to shade trees; penalty.
4. Must not trespass on grass; penalty.
5. Nor climb or injure trees; penalty.
6. Meetings and conventions in parks prohibited.
7. Building platforms or attending meetings in parks without permission; penalty.
8. Playing ball, quoits, etc., prohibited; penalty.
9. Trespassing on grass and shrubbery; penalty.
10. Injury to trees, grass, shrubbery, fountains, statues, etc.; penalty.
11. Keeper of parks, etc., to be appointed; his duties.
12. Benches, etc., not to be injured or defaced; penalty.
13. Posters not to be posted on fences, etc.; penalty.
14. Office of Supt. of Parks created.
15. Duties.
16. Salary.
17. Office of Supt. of Lake Side Park created.
18. Duties.
19. Salary.
20. Repeal.
21. Naming the parks.
22. Glenwood Park annexed to the city.
23. Killing of squirrels prohibited.
24. Penalty.
25. Board of Park Commissioners created; qualifications; not more than two of same political party.
26. Oath; organization.
27. Districts; one member from each district.
28. Election of members; terms; determined by lot.
29. Removal for cause; vacancies.
30. Clerk of Common Council exofficio clerk of the Board.
31. Rules; record.
32. Monthly report to Councils.
33. Pay rolls; compensation of employees; power to employ and discharge Supts., laborers, etc.; may fix salaries, appropriations; power to discharge.
34. Shall have control of all Park work; improvements; estimates by City Engineer.
35. Payment of contractors.
36. Power over contract work.
37. Bills to be itemized and duplicated; duty of City Engineer.
38. Work to be done by contract; specifications; advertising; certified checks; bids; awards.
39. When contracts take effect.
40. Pay rolls; to be in duplicate; to be submitted to Councils; payment.
41. Annual report.
42. Members of Board not to be interested in contracts, nor furnish material; shall serve without compensation.
43. Meetings.

June 7, 1869.
§ 1. A. 310.

Protection
of park
fountains.
trees, grass
and shrub-
bery.
Penalty.

1. That all persons are prohibited from injuring in any manner whatsoever * * the fountains in said parks, or the embankments, or any fixtures to said fountains appertaining. And all persons are prohibited from throwing or placing any sticks, stones, dirt or other injurious substances whatsoever into the water of said fountains, or walking or wading therein; or walking on the grass (a) in said parks, or injuring any tree, shrub or flower therein growing, under the penalty of not less than two, nor more than twenty, dollars for every such offense.

5. No person or persons shall climb upon the trees growing or being in said parks, or in any way break or injure said trees, under the penalty of five dollars for each offense.

July 12, 1896.
§ 21.
Nor climb or injure trees; penalty.
Id. § 34.

(a) 6. No meeting or convention shall be held or assembled in either of said parks, for any purpose, without special permission first had and obtained from the Councils of said city for such use of said parks, or either of them.

Meetings and conventions in parks prohibited.
Sept. 6, 1870.
§ 5. A. 352.

7. It shall not be lawful for any person or persons to erect any platform, or to join in any public meeting, within the enclosed parts of any of the public grounds or squares of this city, without permission from the Mayor or Councils, under the penalty not exceeding twenty-five dollars for each and every offense.

Building platforms or attending meetings in parks without permission; penalty.
Id. § 1. A. 352.

8. No person shall play at ball, quoits, or at any other game or play whatever, on any of the enclosed public squares, or grounds or streets in this city, without permission from the Councils, under the penalty of five dollars for each and every offense.

Playing ball, quoits, etc., prohibited; penalty.
Id. § 2.

9. No person shall walk, stand or lie upon any part of the enclosed public grounds, laid out and appropriated for shrubbery or grass, under the penalty not exceeding five dollars for each and every offense.

Trespassing on grass and shrubbery; penalty.
Id. § 2.

10. No person shall pull up, bend, break down, cut, mar, climb or in any manner injure any of the trees, grass or shrubbery in any public ground or square, or on any street in the city, nor shall any person in any manner injure or deface any fountain, statue or ornament in any such public ground or square, under a penalty not to exceed twenty-five dollars for each and every offense.

Injury to trees, grass, shrubbery, fountains, statues, etc., penalty.
Id. § 2.

11. The Councils may appoint a proper person as keeper of the parks, and such other public grounds and places as they shall deem expedient, whose duty it shall be to report to the City Solicitor all violations of the ordinances relating thereto.

Id. § 4.
Keeper of parks, etc., to be appointed; his duties.

12. No person shall cut, whittle, break, or in any manner injure or deface any of the seats or benches, or the backs or rails of any of the seats or benches, now or hereafter to be put or placed in any of the public grounds of the city, nor any of the fences surrounding such grounds, under the penalty of five dollars for each and every offense.

Id. § 6.
Benches, etc., not to be injured or defaced; penalty.

13. No person shall be allowed to paste on any of the fences, posts or bill-boards put up around any public ground in said city any handbill, placard or poster, under the penalty of five dollars for each and every offense.

Id. § 7.
Posters not to be posted on fences, etc.; penalty.

14. That the office of Superintendent of Parks be and the same is hereby created.

Ord. 535.
Mar. 4, 1891.
§ 1. B. 74.

15. That it shall be the duty of said Superintendent of Parks to take charge of the parks of the City of Erie, and see that the same are kept in proper condition, and that such other directions as the authorities of the City of Erie give in relation to the said parks, shall be faithfully and fully performed.

Office of Superintendent of Parks created.
Id. § 2.
Duties.

(a) See Infra 10.

Ord. 2183.
July 1, 1903.
§ 1. I. 289.

Salary.

Ord. 1811.
Apr. 2, 1897.
§ 1. G. 367.

Office of
Supt. of
Lake Side
Park cre-
ated.

Id. § 2.

Duties.

Id. § 3.

Salary.

Id. § 4.

Repeal.

Ord. 194.
June 19, 1887.
C. 294.

Naming the
parks.

16. That from and after the passage of this ordinance the salary of the Superintendent of Central Park, of the City of Erie, shall be Seven Hundred and Twenty Dollars (\$720) per annum, payable monthly. (a)

17. That the office of Superintendent of Lake Side Park be and the same is hereby created.

18. That it shall be the duty of said Superintendent to take charge of the Park on and near Front Street, in the City of Erie, known as Lake Side Park, and see that the same is kept in proper condition, and that such directions as the proper authorities of the City of Erie give in relation to said Park, shall be fully and faithfully performed.

19. That the salary of said Superintendent of Lake Side Park is hereby fixed at forty-five dollars (\$45) per month. (a)

20. That so much of the ordinance approved March 4th, 1891 (City Digest, 210) (b) as conflicts herewith is hereby repealed.

21. That the parks in the first section of the City of Erie, situate east and west of State Street at Sixth Street, be and the same are hereby designated as "Central Park;" and the parks in the second section of the City of Erie, lying east and west of Liberty Street at Sixth Street, are designated as "Cascade Park."

GLENWOOD PARK.

Ord. 2241.
Sept. 12, 1902.
Sec. 1, I. 216.

Glenwood
Park an-
nexed to the
city.

22. That all that land situated in Mill Creek Township, south of the southern limit of the City of Erie, conveyed to the said City of Erie by the Erie Public Park Association by deed dated September 3rd, 1902, and recorded in the Recorder's Office for Erie County, in Deed Book No. 142, page 126, and by John S. Rilling and wife, to the City of Erie, by deed dated June 13, 1903, recorded in the said Recorder's Office, in Deed Book , page , said land being known as "Glenwood Park," be and the same is hereby annexed to, and made a part of the City of Erie, as made and provided by Act of Assembly of the Commonwealth of Pennsylvania,

ted to and imprisoned in the common jail of Erie County. Pa., Mar. 21, 1903
for a period not exceeding thirty days.

BOARD OF PARK COMMISSIONERS.

25. That there shall be and is hereby created and established a Board of Park Commissioners, of the City of Erie, to consist of three members, no two of whom shall be residents of the same ward, and none of them shall be a member of Councils, or a member, or in the employ of any other department of the City of Erie, and none of whom shall hold or enjoy any other office or trust of profit or responsibility under the City of Erie, the State of Pennsylvania, or the United States, during his or their term of office, Notaries Public and officers of the National Guard excepted. They shall be citizens of the United States, qualified electors of the State of Pennsylvania, and residents of the City of Erie for at least five (5) years prior to their election to the Board. Be it further provided that not more than two members of said Board shall be of the same political party.

Ord. 1908.
Mar. 29, 1902.
§ 1. I. 122.
Board of
Park Com-
missioners
created;
qualifica-
tions.

Not more
than two of
same politi-
cal party.

26. The members of the said Board shall severally take and subscribe the oath prescribed for city officers, and shall annually organize by the choice of one of their number as president. The organization shall be perfected within ten days after qualifying.

Id. § 2.
Oath
Organiza-
tion.

27. The City of Erie is divided into three districts, for the election of the Board of Park Commissioners, as follows, viz: The First and Fourth wards shall constitute the First district, the Second and Third wards shall constitute the Second district, and the Fifth and Sixth wards shall constitute the Third district; one member only of the Board herein provided for shall be chosen from each of the aforesaid districts.

Id. § 3.
Districts.

One member
from each
district.

28. Within five days after the passage and approval of this ordinance, the Select and Common Councils of the City of Erie shall meet in Joint Convention and elect three persons, by the vote of a majority of the members chosen to both branches, one from each of the aforesaid districts, who shall constitute the Board of Park Commissioners; only one person at a time shall be voted for. One of the Commissioners elected at this first meeting shall hold office for the term of one year, one for the term of two years, and one for the term of three years, and their term of office shall be computed from the first Monday of April, A. D. 1902, and the length of time which each Commissioner elected as aforesaid shall serve, shall be determined by lot (a) in the presence of the Presidents of both branches of Councils, the Mayor and City Clerk, and thereafter every year there shall be elected in Joint Convention of Councils, in manner as aforesaid, on the first Monday of January, one member of the Board of Park Commissioners, qualified as aforesaid, whose term of office shall be for three years from the succeeding first Monday of April,

Id. § 4.
Election of
members.

Terms.

Determined
by lot.

(a) The Board of Park Commissioners organized in the City Clerk's office April 14, 1902, when the terms of the members of the Board were determined by lot as follows: Hon. Frank D.

Schultz one year; Dr. Charles A. O'Dea two years and Emil Strueber, Esq., three years. (Park Commissioners Minute Book, page 1).

Mar. 21, 1903

and until his successor is elected and duly qualified; Provided, that if at any time thereafter the Councils of the City of Erie shall fail or neglect to elect said Commissioner on the day prescribed by this ordinance, it shall and may be lawful for such election to be held as soon thereafter as practicable, the term of the Commissioner so chosen to be computed from the first Monday of April following the first Monday of January, when the election should have been held.

Id. § 5.

Removal for
cause;

29. A member of said Board may be removed for cause by a two-thirds vote of all the members in Joint Convention elected to Councils; but the member against whom charges have been made shall be given fifteen days' notice, in order to be heard, if he so desires. Whenever a vacancy shall occur in the said Board the same shall be filled by Councils in Joint Convention, by the vote of a majority of the vote of the members chosen to both branches, and the person so chosen to fill such vacancy shall serve for the unexpired term of the Commissioner whose place is vacated.

Vacancies.

Id. § 6.

Clerk of
Common
Council ex-
officio
Clerk of the
Board.

30. The Clerk of the Common Council shall be and is hereby delegated and appointed to act as Clerk of said Board, and he shall perform all such acts and keep all such records as are required by this ordinance and the actions of said Board.

Id. § 7.

Rules.
Record.

31. The Board shall have power to adopt all necessary rules for its government, not inconsistent with State Laws and City Ordinances, and shall submit said rules to Councils for approval. Said Board shall keep a record, and the same shall be indexed, of all its proceedings, orders, resolutions and actions, and record all permits granted by its authority, which records shall at all times be open for public inspection.

Id. § 8.

Monthly re-
port to
Councils.

32. It shall keep an account of all moneys appropriated for its use, and of all expenditures of the same, and render an account thereof at the first regular meeting of Councils in each month and at such other time as Councils may require.

Id. § 9.

33. The Board shall make out all pay rolls for the payment

34. The said Board of Park Commissioners shall have ^{Mar. 21, 1903} charge and control of all work and improvements of every ^{Id. § 10.} nature and character performed or made in and about all of the parks owned by the city of Erie. The Board shall recommend to Councils all improvements or repairs necessary, and shall accompany all such recommendations by an estimate made by the City Engineer, stating the sum which will become chargeable upon the City by such improvements or repairs, and a copy of such estimate shall be filed in the office of the Board; thereupon Councils shall take such action as may be deemed proper. All petitions for improvements must be addressed to Councils and referred to the Board, either with or without recommendations. ^{Shall have control of all park work.} ^{Improvements;} ^{Estimated by City Engineer.}

35. The City Engineer shall furnish an estimate to the Board of the amount of work done and material furnished, under and by virtue of any contract with the city for any improvement, whether special or general, and certify the amount due on same by terms of contract, which estimate, upon the certification of the Board (after personal inspection), shall be referred to Councils for action. ^{Id. § 11.} ^{Payment of contractors.}

36. The Board shall have power, whenever any work under its charge is not being constructed in accordance with the terms of the contract to suspend the work, to remove improper work, and to have the same rebuilt or relaid at the expense of the contractor or his bondsmen, which facts, together with the cost of such rebuilding or relaying, shall be at once certified to by the City Controller, that the city may have credit for the same. Each contract shall contain a stipulation securing this right. ^{Id. § 12.} ^{Power over contract work.}

37. The Board shall require an itemized bill to be filed before approving any claim, which, upon approval, shall be duplicated and the original placed on file in the office of the Controller. All bills based on measurements for public improvement shall be first certified to by the City Engineer. ^{Id. § 13.} ^{Bills to be itemized and duplicated;} ^{Duty of City Engineer.}

38. All work provided for in this ordinance, and placed under the control of said Board, shall be performed by contract, and the said Board is hereby directed to invite bids for all work, upon such specifications as they may prepare, or as may be prepared by the City Engineer or the head of any department, and the Board is hereby authorized to call upon the City Engineer to prepare such specifications, and shall advertise in the papers designated by Councils all contracts to be let for public work, in and about the parks owned by the City of Erie, and all advertisements shall contain a clause reserving the right to reject any or all bids. No bid shall be considered unless it contains the name of every person interested in it, and is accompanied by a certified check for at least five per cent of the work to be done, the foregoing to be inserted in each advertisement. All bids must be addressed to the Board, and shall be opened in a public meeting named in each advertisement, and the Board may either reject all bids, or award the contracts to the lowest responsible bidder or bidders, exacting in all cases sufficient bonds. ^{Id. § 14.} ^{Work to be done by contract;} ^{Specifications;} ^{Advertising;} ^{Certified checks;} ^{Bids;} ^{Awards.}

Mar. 21, 1903Id. § 15.When con-
tracts take
effect.

39. No contract shall be made, or expense incurred by said Board unless an appropriation therefor shall first have been made by Councils and, Provided, that the said Board is hereby directed to report to Councils all contracts and sureties for approval before the same shall take effect.

Id. § 16.Pay rolls; to
be in dupli-
cate;

40. The pay rolls shall be made out every month for all persons employed by the Board, showing the name of each man working, the class of work, his pay per day, and the number of days of work done. The pay rolls and all bills for expenditures incurred, under the authority of said Board, shall be in duplicate, and after approval by the Board shall be submitted to Councils, the original to be sent to the Controller, a duplicate to be filed by the Board. After payment is ordered by Councils warrants shall be drawn by the Board on the City Treasurer. The warrant blanks for this purpose shall be provided by the City Controller.

To be sub-
mitted to
Councils;
payment.Id. § 17.Annual re-
port.

41. The Board shall make an annual report to Councils, setting forth its operations for the year, and shall also report all public work which is deemed for the best interest of the city, and an estimate of the cost thereof.

Id. § 18.Members of
Board not to
be interested
in contracts
nor furnish
material.
Shall serve
without com-
pensation.

42. No member of the Board shall be interested, directly or indirectly, in any contract or work under its control; nor shall any member thereof furnish any supplies or materials, the purchase of which is by order of the Board, or the bids of which would be subject to the approval of the same. No officer or employe under its control shall furnish any supplies or materials, or be interested in any work or contract. The members of said Board shall serve without compensation.

Id. § 19.Meetings.

43. The Board shall hold its meetings and transact its business in the place provided by Councils. The members of the Board shall devote all the time and attention that is necessary to the faithful and efficient discharge of their duties. The Board shall hold stated meetings at least once in each month, at a time to be designated by resolution of said Board.

Poles and Wires.

[See "Licenses."]

1. Poles to support wires not to be erected without authority; wires not to be extended across streets without permission.
2. Permission shall be granted only by ordinance; conditions.
3. First. One to be maintained for use of the city.
4. Second. Damages.
5. Third. Place and manner of erecting.
6. Fourth. Revocable.
7. Protection of the Fire Alarm telegraph.
8. Placing wires on Fire Alarm poles.
9. Contact of moving buildings with the Fire Alarm telegraph.
10. Use of Fire Alarm poles for private wires; unauthorized poles and wires to be removed.
11. All previous authority to erect poles and wires revoked; how renewed.
12. Penalty.
13. Wires to be not less than 18 feet high.
14. Penalty.
15. Height of guy wires.
16. Penalty.
17. Preamble.
18. Poles replacing city poles to be city property.
19. Advertisements on poles forbidden.
20. Penalty.

1. That it shall not be lawful for any person, company, or corporation to erect in the streets of the City of Erie any poles of any kind to be used for supporting telegraph wires, or wires used for any other purpose, nor to extend such wires across any streets in said city in any manner without first having obtained permission of the municipal authorities for leave so to do.

2. Permission to erect such poles and wires shall be granted only by ordinance; and unless when such an ordinance is passed, it shall be provided to the contrary, the right to erect poles and wires shall be considered as granted, and by the party applying therefor, accepted subject to the following terms and conditions to wit:

3. That the right is reserved by the City of Erie to place one wire on any pole or poles so erected, and maintain the same there without charge or expense to the City of Erie; such wire to be placed in such place as the Chief Engineer of the Fire Department may elect, but when reasonably practicable on the top of the poles.

4. That the person, company or corporation erecting said poles and wires shall at all times keep the same in safe condition, and be responsible to the City of Erie for all damages it may be made liable for arising from the same.

5. That such poles and wires shall be erected in such manner and in such place or places as the proper municipal authorities shall direct, and particularly in such manner that the wires shall not come in contact with those of the fire alarm telegraph.

6. That the license granted to use the streets for the purposes aforesaid may be revoked at any time, and that when revoked said poles and wires shall be immediately removed from the streets of said city.

7. Whenever any wires erected for any purpose whatever, by any person, company or corporation, shall intersect or cross those of the fire alarm telegraph, the person, company or corporation erecting such wires shall set a post or pole with cross arms at least two feet apart at the point of inter-

Ord. 42.
Oct. 23, 1882.
§ 1. C. 57.

Poles to support wires not to be erected without authority; wires not to be extended across streets without permission.

Id. § 2.

Permission shall be granted only by ordinance; Conditions:

1. One wire to be maintained for use of the city.

2. Damages.

3. Place and manner of erecting.

C. 58.

4. Revocable.

Id. § 2.

Protection of the Fire Alarm telegraph.

Oct. 23, 1882. section, or crossing, and properly attach such wires to said cross arms in such manner that the wires cannot possibly come in contact with each other; always when practicable placing the wire or wires of the fire alarm telegraph on the highest arm.

Id. § 4.
Placing
wires on
fire alarm
poles.

8. It shall not be lawful for any person, company or corporation to place any wires on the poles erected by the City of Erie for the use of the fire alarm telegraph, without the consent, in writing, of the Chief Engineer of the Fire Department, which said license may be revoked at the pleasure of Councils; and when such permission is granted, the wires shall be placed on said poles in such manner as said Chief Engineer shall direct.

Id. § 5.
Contact of
moving build-
ings with
the fire
alarm tele-
graph.

9. No person, company or corporation in moving any building or other thing shall cause the same to come in contact with the wires of the fire alarm telegraph without first having given notice to the Chief Engineer of the Fire Department of the fact that such building or other thing will come in contact with said wire, so that said Engineer may be present, and the fire alarm telegraph wire shall not be cut under any circumstances except by the express direction of said Engineer.

Id. § 6.
Use of fire
alarm poles
for private
wires.

10. If any person, company or corporation has heretofore placed any wires on any poles erected for the use of the fire alarm telegraph, such person, company or corporation shall immediately remove the same from said poles, if so directed by the Chief Engineer of the Fire Department, or with his consent in writing, attach said wires to said poles in such manner as said Engineer shall direct.

Unauthor-
ized poles
and wires to
be removed;

And if any person, company or corporation has heretofore erected any poles or wires in the streets of the City of Erie without the permission of the city authorities, said poles and wires shall be by the parties erecting them immediately removed; and in default of compliance with notice so to do, it shall be the duty of the Street Superintendent to remove the same without delay.

of ten dollars; and for each day that the said wire or wires shall be permitted to remain less than eighteen feet above the roadways, after notice to raise the same, the additional sum of five dollars per day, said penalty to be collected in like manner as penalties are by law collectible. June 11, 1879

15. That from and after the passage of this ordinance, it shall not be lawful to erect or maintain a guy wire in the streets or public grounds of the City of Erie unless the lowest part of such wire shall be at least twelve feet above the grade. Ord. 2218.
Aug. 17, 1903.
§ 1. I. 808.
Height of
guy wires.

16. Any person violating any provision of this ordinance, shall forfeit and pay a fine of Fifty (\$50) Dollars for every such offense, to be collected as other fines due said city are by law collected, and in default of payment of fine and costs, the defendant shall be imprisoned in the County Jail for a period not exceeding thirty days. Id. § 2.
Penalty.

17. WHEREAS, Many poles on the streets of the City of Erie which are owned and used by the said city, are also used by other parties for the purpose of supporting or carrying wires and, Whereas, Such other parties in order to better subserve their own interests and to prevent interference with the city system, have in some cases replaced city poles with poles of their own erection; therefore, Ord. 1410.
Aug. 18, 1897.
H. 51.
Preamble.

18. *Be it enacted, etc.*, that in the joint use of poles for the purpose of supporting and carrying wires in the City of Erie, all poles erected by all persons, firms, companies, or corporations, for the purpose of supplanting or replacing any pole or poles owned by the City of Erie, shall be owned by, and deemed to be the property of the said City of Erie, in like manner as the poles which they replace or supplant. Id. § 1.
Poles re-
placing city
poles to be
city prop-
erty.

19. That from and after the passage of this ordinance it shall not be lawful for any person or persons to paste, tack or affix any advertisement or sign on any pole in the City of Erie which is used or intended to be used for carrying or supporting a wire or wires. Ord. 2205.
July 17, 1903.
§ 1. I. 294.
Advertise-
ments on
poles for-
bidden.

20. Any person violating any provision of this ordinance shall forfeit and pay to the City of Erie a penalty of Fifty Dollars for every offense, to be collected as other fines due said City are collected, and in default of payment of said fine and costs the defendant shall be imprisoned in the Common Jail of Erie County, Pa., for a period not exceeding thirty days. Id. § 2.
Penalty.

Police Department.

[See "Docks and Harbor."]

1. Number of Policemen.
2. Offices of four Detective Sergeants and two Roundsmen created.
3. Appointments; to be selected from the Police Force.
4. Duties.
5. Salaries.
6. Salary of Chief.
7. Salary of Janitor.
8. Appointments; oath of office.
9. Duties of Chief of Police; reports.
10. Record, complaint book and lost property register; shall assign patrolmen to beats; must always be one patrolman at the station.
11. Office of Captain of Police created.
12. Duties; shall act as Chief in certain cases.
13. Duties of policemen; shall preserve order; penalty; citizens to assist policemen; penalty for refusing.
14. Duty to arrest for crime or misdemeanor; may arrest without warrant.

15. Duty relating to arrests made at night.
16. Police to attend and preserve order at public meetings.
17. Penalty for disturbing public or religious meetings.
18. Penalty for disturbing the peace; police to arrest offenders and bring them to trial.
19. Preserving the peace; shall exercise general police authority.
20. Supernumerary policemen may be appointed by the Mayor.
21. Agreement with County Commissioners.
22. County jail may be used as a lock up.
23. Sheriff and jail keeper to have temporary custody of prisoners.
24. Fines appropriated to Police Fund.
25. Revenue from service of criminal process appropriated to Police Fund.
26. Revenues of Mayor's court appropriated to Police Fund.

Ord. 1612.
Mar. 24, 1899.
§ 1. H. 235.

Number of
Policemen.

Ord. 2186.
June 9, 1903.
§ 1. I. 284.

Offices of
Detective
Sergeants
and 2
Roundsmen
created.

Id. § 2.

Appoint-
ments; to be
selected
from the
Police Force.

Id. § 3.

Duties.

Id. § 4.

Salaries.

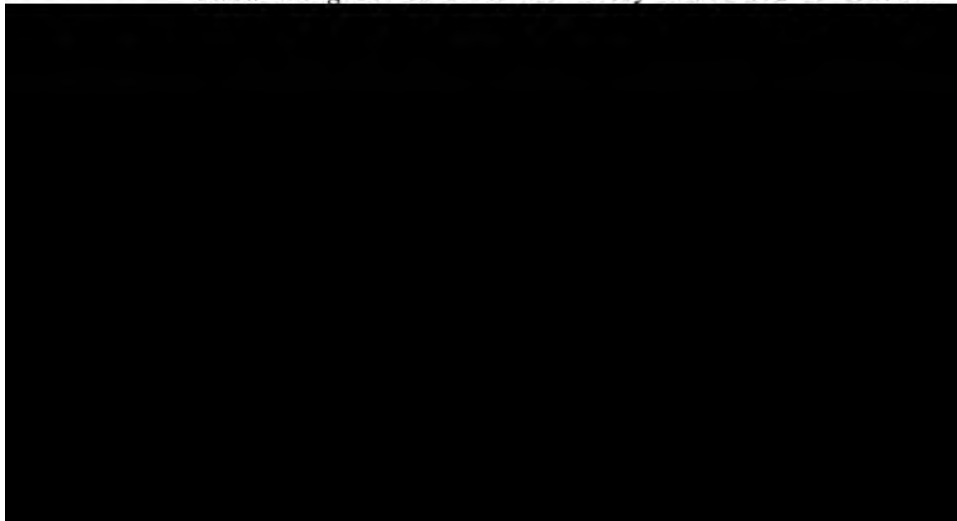
1. That from and after the passage of this ordinance, the regular Police Force of the City of Erie shall consist of one Chief, one Captain and thirty-four Patrolmen. (a)

2. That the offices of four Detective Sergeants and two Roundsmen in the Erie Police Department are hereby created.

3. The appointment of said Detective Sergeants and Roundsmen shall be made by the Mayor and confirmed by the Select Council as provided by law. They shall be selected from the members of the Police Department, and the vacancies thus created in said Department shall not be filled before the first Monday of April, 1904, unless the necessary funds shall have been provided therefor.

4. That said Detective Sergeants and Roundsmen shall perform such duties as shall be assigned to them by the Mayor and Chief of Police.

5. The salaries of the members of the Police Department below the grade of Chief are hereby established as follows:



8. The Mayor shall annually, in the month of July (a), ^{Jan. 31, 1881, § 2. A. 551.} and whenever vacancies occur, nominate, and, by and with the advice and consent of the Select Council, appoint the said Chief of Police (a), Captain (b), police constables, and watchmen, all of whom shall continue in office until their successors are duly appointed and qualified, unless sooner removed. Before entering upon his duty, each of the said officers shall take and subscribe to the oath which is prescribed for other constables of this Commonwealth (c). ^{Appointment; oath of office.}

DUTIES OF THE CHIEF OF POLICE.

9. It shall be the duty of the Chief of Police to take charge ^{Id. § 3.} of, and have general supervision over, the Police Department, and to control and direct the movements of the force when occasion requires it; all to be under the control and direction of the Mayor. He shall be held responsible for the faithful discharge of the duties of the men under his charge, and he shall have the right to suspend (d) any policeman for neglect or dereliction of duty. The person so suspended he shall report immediately, with his reasons of the suspension, to the Mayor; and he shall keep a book in which shall be entered the daily report of every policeman on the force; said book and all other necessary books, blanks and forms, to be furnished by the city. ^{Duties of Chief of Police; reports.}

10. The Chief of Police shall keep a record, and register ^{Id. § 4.} the name of every member of the police force, date of appointment, time of service, and memoranda of service. He shall also keep a complaint book, in which shall be entered every complaint preferred, with the name and residence of the complainant. Also keep a register of lost or stolen property; also of all property seized by any member of the force; also a record of all arrests and the cause thereof. Within five days after their appointment, it shall be the duty of the Chief of Police to assign to each man a certain beat or round; and there shall be at least one policeman in attendance at the police office at all hours of the day and night. ^{Record, complaint book, and lost property register; shall assign patrolmen to beats; must always be one patrolman at the station.}

(a) See Sec. 4, Art. VII, Act of May 23, 1889, P. L. 299.

(b) So amended by ordinance of June 24, 1889, D. 228.

(c) Resolved, etc., That whenever any member of the Police Department of the City of Erie shall be too ill to perform his official duty, he shall give notice of such illness promptly to the Chief of Police, who shall designate another officer to perform the duties of such sick member.

It shall be the duty of the Health Officer to make examination and report to the Chief of Police the condition of any member of the Police force who has absented himself from duty by reason of sickness, and if said Health Officer shall certify that the member he has visited is not in fit condition to perform the duties assigned him, then the Chief is hereby instructed to allow full pay for the time

the said member shall be obliged to absent himself from duty by reason of such sickness, provided, that said absence from duty does not exceed ten days in any one month, and any former action in relation to this matter be and the same is hereby repealed.

Be it further resolved, That, from and after November 1, A. D. 1904, each and every member of the Police force of the City of Erie shall be allowed a vacation of one day in each month, without loss of pay.

The vacation provided for in this Resolution shall be in addition to the regular annual vacation of ten days allowed to the members of the Police force. Approved Sept. 2, 1904, Select Council Journal 1, page 324.

(d) The act of May 16, 1901, Sec. 20, P. L. 238, authorizes the Mayor to dismiss policemen at his pleasure.

Aug. 15, 1881.
§ 1. A. 679.

Office of
Captain of
Police cre-
ated.

Id. § 2.

Duties.
Shall act as
Chief in cer-
tain cases.

11. That the Mayor of the City of Erie be, and with the advice and consent of the Select Council, he is hereby authorized to appoint one person as Captain of Police, to hold his said office for such term, and to be removed in like manner as police constables.

12. The Captain of Police shall perform such duties as may be assigned him by the Mayor or Chief of Police, and in case of a vacancy in the office of Chief of Police, or in the absence of said officer through sickness or otherwise the Captain of Police shall exercise all the duties and powers of Chief of Police.

July 12, 1886.
§ 6. A. 218.

Duties of po-
licemen;
shall pre-
serve order;
penalty.

13. It shall be the duty of each and every of said policemen to preserve and keep peace and good order in said city, and suppress all unnecessary noise or disturbance therein, particularly in the night. Each and every of them shall on request, promptly assist in carrying this ordinance and other ordinances, rules and regulations in force in said city into effect, under the penalty of ten dollars, which penalty or sum such policeman shall forfeit and pay for the use of said city for each and every refusal so to do. And it shall be the duty of every able-bodied male citizen to assist, on demand, by any policeman having made an arrest as aforesaid, in conveying the person or persons arrested in pursuance of this ordinance, to the Mayor or justice's office, or to the lock-up house, as the case may require; and for every refusal so to do such person shall forfeit and pay to the said city the sum of five dollars.

Citizens to
assist police-
men: penalty
for refusing.

Id. § 4. A. 217.

Duty to ar-
rest for
crime or
misde-
meanor; may
arrest with-
out warrant.

14. It shall be the duty of each of said policemen to arrest and take before the Mayor, or any justice of the peace of said city, for hearing, all and every person or persons who, in the knowledge of such constable, shall be guilty of any riot, affray, unlawful assembly, breach of the peace, profane cursing and swearing, Sabbath breaking, drunkenness, gambling for money or other valuable thing, vagrancy, keeping a disorderly house or house of ill fame, or other crime or misdemeanor within said city, or violation of any city ordinance.

preserve order and quiet therein, and exercise their authority July 12, 1886.
in preventing any disturbance, breaches of the peace, or any
offenses of like character.

17. If any person or persons shall by improper and riot- Id. § 9.
ous conduct, disturb any public meeting or assembly for re- Penalty for
ligious or other purposes, every such person or persons so disturbing
offending, shall forfeit and pay for the use of the city the sum public or re-
of five dollars for every offense, to be recovered in the same ligious meet-
manner that fines and penalties are by law recovered. ings.

18. That if any person or persons shall disturb the peace Id. § 8. A. 218.
of the city by undue or unusual noise, or other means, such Penalty for
person or persons so offending shall forfeit and pay, for the disturbing
use of said city, a fine of not less than five dollars nor ex- the peace.
ceeding fifty [dollars] for each and every offense; and it shall Police to ar-
be the duty of the police officers of said city and such others rest offenders
at any time exercising police authority by virtue of any ap- and bring
pointment under the Mayor and Councils, having any know- them to
ledge, either by personal observation or by information, of trial.
the commission of any such offense, to arrest the offender or
offenders, and keep him, her, or them, safe until brought be-
fore the Mayor or other proper officer for trial and examina-
tion, in accordance with the ordinances of the city, and the Act
of Assembly in such case made and provided.

19. That every policeman appointed in pursuance of this Id. § 10.
ordinance shall have power and authority to watch over and A. 219.
preserve the peace of the city, especially on Sundays, to ap- Preserving
prehend all rioters and disturbers of the peace, and bring them the peace;
before the Mayor or other competent authority to be dealt shall ex-
with according to law, and to do and perform all matters en- ercise ge-
joined upon them as policemen, either by the ordinance, rules neral police
and regulations of the city or the laws of the Commonwealth authority.
of Pennsylvania.

20. The Mayor is hereby authorized, at any time, when Id. § 11.
in his opinion it may be necessary and proper, to appoint Supernum-
special policemen to preserve order and quiet on occasions erary police-
when the ordinary police force is insufficient for that purpose, men may be
and to be dismissed by the Mayor when, (a) in his opinion, appointed by
their services are no longer required. And the Mayor shall the Mayor.
also have power to appoint special policemen on the applica-
tion of any corporation, firm, association, or individual, for
a special policeman or watchman for special or private pur-
poses, said appointment to give no right to compensation to
such policeman out of the city treasury.

LOCK-UP.

21. Whereas, the Mayor, Select and Common Councils of July 12, 1886.
the City of Erie have entered into an agreement and arrange- Preamble. A.
ment with the Commissioners of the County of Erie, by which 217.
the corporate authorities of the city have a right to use the Agreement
Jail as a lock-up or watch-house for said city, therefore, with County
Commissioners.

(a) See Sec. 1, Art. 7, Act of May 23, 1889, P. L. 298, limiting the period of service of supernumerary policemen to ten days.

July 12, 1866.

Id. 1.

County Jail
may be used
as a lock-up.

22. *Be it enacted, etc.*, That the Common Jail of the County of Erie, in the City of Erie, (by and with the consent of the Commissioners of said County had and obtained as aforesaid), be, and the same is hereby provided and established as a lock-up, or watch-house, within and for said city, for the detaining and confining persons arrested by the Police Constables and officers of said city, until such persons can be taken before the proper authorities for examination.

Id. § 2.

Sheriff and
jail keeper
to have tem-
porary custo-
dy of pris-
oners.

23. The Sheriff and the Keeper of the Jail of said county, for the time being, are hereby constituted and appointed the keeper of said lock-up or watch-house, on part and behalf of said city, and authorized and required to receive and detain therein all persons arrested in said city and committed to their charge by the police constables and officers thereof, until a hearing can be had, and such persons discharged by due course of law.

Ord. 320
Feb. 13, 1888.
§ 1. D. 114.Fines appro-
priated to
police fund.
Ord. 2029.
July 2, 1902.
§ 1. I. 150.

24. All moneys collected by way of fines and penalties under the Criminal Ordinances of the City, be and are hereby appropriated to the Police Fund.

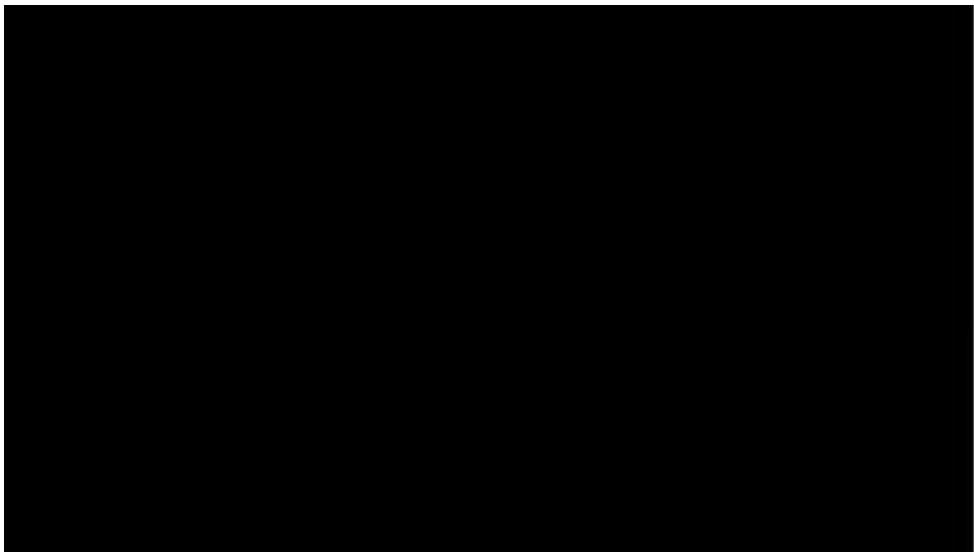
Revenue
from service
of criminal
process ap-
propriated to
Police Fund.
Ord. 2202.
July 10, 1903.
§ 1. I. 292.

25. That all moneys accruing by reason of the Service of Criminal Process by members of the Police Department of the City of Erie, Pennsylvania, and collected by the Mayor, shall, when paid by the Mayor to the Treasurer of the City of Erie, be and are hereby appropriated to the Police Fund.

Revenues of
Mayor's
Court appro-
priated to
Police Fund.

26. That all moneys collected by way of fines and costs in the Mayor's Court from and after the first Monday of April, 1903, are hereby appropriated to the "Salaries" Fund of the Police Department.

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE POLICE FORCE OF THE CITY OF ERIE.



note obstructions and dangerous places on the street and the sidewalks; see that the public lamps are in order and lighted during the proper hours; see that all nuisances are abated; that all matters affecting the interest of the city or the citizens are properly cared for. He should note cases of fast driving, cruelty to animals, horses or vehicles left standing too long near the sidewalks. Should the street become blocked with teams, he must assist the drivers to disentangle them; open a passage for pedestrians, escort women, children and aged persons across the street in safety.

4. Notice must be taken of all vacant houses and unfinished buildings, and prevent depredations; see that building permits have been procured, and that building material is placed in conformity with ordinances. He must take note of ashes, garbage, etc., thrown into the street, and notify the offenders to abate the nuisance at once, and if the offense is repeated that they will be prosecuted under the rules of health governing the same. He must be vigilant to discern in his precinct all cases of malignant, infectious or epidemic diseases, and report the same promptly to the commanding officer.

5. During the night time he must examine all doors of stores, and if any be open or insecure, notify the occupant, also police headquarters; note all hacks, cabs or other vehicles, which under any circumstances, or in any manner whatsoever excite suspicion. He is required to give due attention to persons carrying bundles or parcels at unreasonable hours, under suspicious circumstances. He shall stop and question them and satisfy himself that all is proper before allowing them to proceed.

OBSTRUCTING SIDEWALKS.

6. When three or more persons obstruct the sidewalk, the officer shall courteously request them to move on. If they persist in remaining, and thereby incommode other pedestrians, they should be placed under arrest and sent to the police station. The officer must however exercise good judgment, and not offend citizens who may have met by accident.

7. Officers are not allowed to converse with citizens, while on duty, except in relation to matters strictly in line with their official duties. They must not linger around the street corners or hallways to converse with citizens nor for any other purpose than something bearing directly upon the business on hand.

8. When information is asked for, the officer must treat the person courteously, and with attention, affording all proper information in his power, but officers are not permitted to give information leading to the location of improper resorts.

9. Officers are required to give their name and number at any time requested by a citizen. He is the servant of the public, not their master, and every citizen, be he ever so humble, is entitled to his kindness and official courtesy.

10. He must not drink intoxicating liquors, or enter a place where intoxicants are sold, or any house of ill fame, gambling house or any disreputable place, unless in the actual discharge of police duty. Nor is he permitted to use vulgar or profane language, or to smoke while on duty. Any violation of this rule will subject the offender, on conviction, to prompt dismissal.

11. An arrest is made by placing the hand upon the person to be taken into custody, at the same time saying to him: "You are my prisoner. I have a warrant for your arrest," stating the charge, or

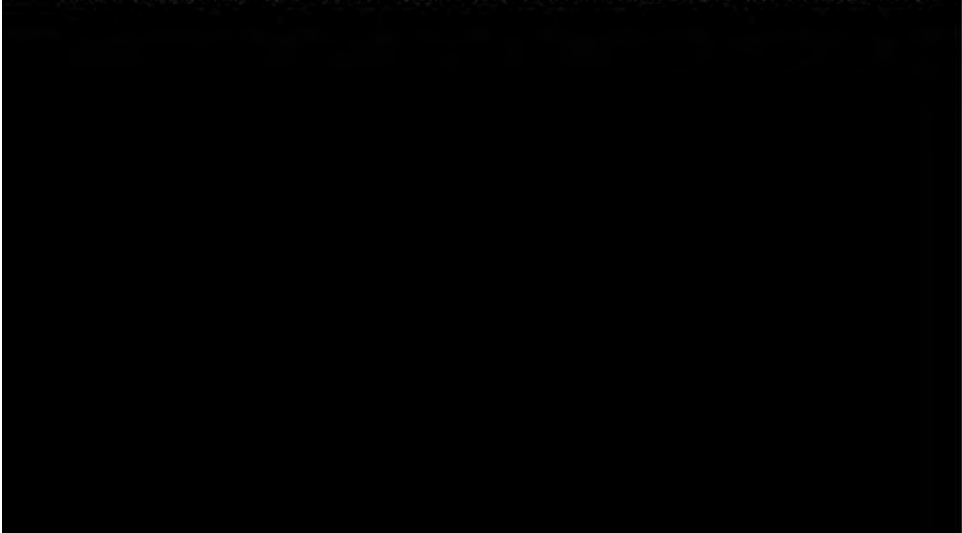
simply, "I arrest you," or some other similar expression, so that the person arrested shall understand that he is a prisoner.

12. When a person is arrested by an officer he must take the prisoner to the nearest police signal station and notify the department headquarters. Upon the arrival of the patrol wagon he will place the prisoner in charge of the officer on the wagon, stating the charge. Any witnesses who may have been present in the case may accompany the patrol wagon to the police station. If they decline their names and residence must be taken by the officer. The officer in charge of the wagon will take special care to guard against the prisoner throwing away or otherwise disposing of any weapon or other article in his or her possession at the time of the arrest. Should a prisoner escape, and the officer be unable to overtake and re-arrest him, he has, in case of felony, if the fugitive take refuge in a house, the right to break open the doors after admission has been denied him, the officer having first informed the occupants of his authority and business; but forcible opening of an outer door should only be resorted to when immediate arrest is of importance and absolutely necessary.

AS TO CONFESSIONS.

13. Should a prisoner desire to make a confession or statement the officer should note carefully every thing he may voluntarily say that he may further the ends of justice, and be prepared to testify to the same when required.

14. An officer is privileged to use his mace only when assaulted by one or more persons of superior physical strength to himself, and then only when in danger of being overpowered. Insulting language is not sufficient provocation for the use of a mace. If an officer attempts to arrest a person either with or without a warrant (the person being charged with a felony) and he should flee from arrest, the officer has a right to shoot at the escaping prisoner, providing he can be taken in no other way. If an officer has lawfully arrested a person charged with any offense, and the prisoner endeavors to break away or resist, the officer may repel force with force, and if the arrested person is unavoidably killed in the struggle by the officer, the killing is justifiable. If an officer with a warrant attempts to arrest a person charged with a misdemeanor or the violation of a city ordinance, and the person flees



reduced in rank, or dismissed from the force after charges have been preferred and sustained. An officer may legally leave the force by sending his resignation in writing to the chief of police, who will forward it to the Mayor for approval. Any communication which an officer desires to present to the Mayor or police committee of Councils must be in writing, sent through his superior officers. In case of resignation or dismissal, the officer must at once deliver all police property to the chief.

17. If through ill health a member of the police force becomes unfit for service and his condition is so reported by the city health officer, the Chief of Police shall be authorized to ask for the resignation of said officer, and the Chief shall report the vacancy to the Mayor.

COMMISSION OF CRIME.

18. In the event of a crime on his beat the officer should hasten to the scene thereof, secure the suspected criminal, if possible, fully investigate every circumstance likely to have any bearing on the case, immediately report the matter through the police signal station to the headquarters, and on his return to the station make a complete return in writing to the officer in charge. Should the crime be murder, he should find out the full name, residence, nativity, character, and occupation of the person murdered; whether married or single; and secure the names and residences of all witnesses, how, when, where, and by whom the murder was committed, with all attending circumstances; and all information likely to be of service to the department in fixing the crime on the guilty persons.

In case of suicide, the full name should be obtained, age, nativity, residence, where committed, time, manner, and all attending circumstances.

Report of a robbery should give the name of person robbed, attending circumstances, description of property stolen; name and description of suspected parties, and all facts connected therewith [and] the names of all suspicious persons or known criminals seen on his beat during the hours he has been on patrol.

Report of fire should contain the street and number of house or building, time of discovery, name of both owner and occupant, how and at what time extinguished, and name of person sending in the alarm.

Report of accident should describe the nature thereof; when, where and how it happened. If injury to person, give name, age, residence, and occupation of the person injured and where taken. Also method of removal.

An officer should never leave his beat, without permission granted by his superior in charge; which may be granted by request through police signal station, a note being made on daily report that such permission was granted.

19. Persons may be arrested on suspicion, if the officer be satisfied that the person to be so detained has goods in his possession that he cannot satisfactorily account for, or whom he has reasonable grounds to believe has committed a felony, one who acts suspiciously on the street after night, or who may be a known thief, to be held temporarily for examination.

If an offense committed be a misdemeanor, a warrant should be procured for the arrest of the accused. If the party committing the offense is a stranger, and the officer has reason to believe he will leave the city, then he may take the accused, together with the citizen who makes the request for the arrest, to the police station. There the citizen must

file the affidavit for the warrant before the prisoner can be locked up.

An officer has no right to arrest for threatened personal violence, although he may be present, without a warrant is in his possession, unless, however, profane or vulgar language was used in making the threat, and in his presence, then he should make the arrest, it being his duty while present to see that no breach of peace is committed.

An officer should not comply with a request for the arrest of a person in civil cases, but should refer the complaint to a magistrate.

20. In case of riot or unlawful gathering, it is the officer's duty to call assistance; secure the principal instigators of the tumult, if possible, and notify the station from the nearest signal box.

POWERS OF A POLICEMAN.

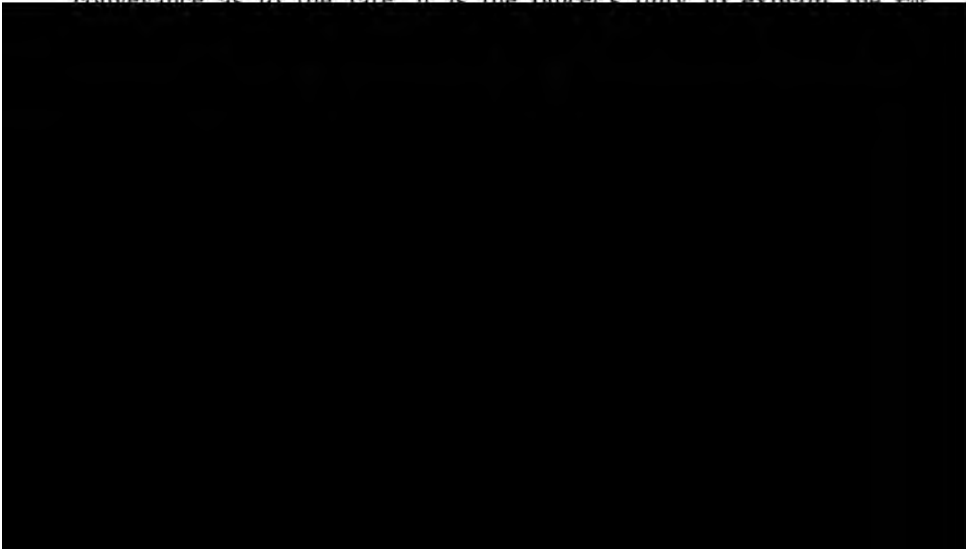
An officer has the same right to arrest for violation of state criminal laws as for violation of city ordinances.

An officer must treat insane persons with utmost kindness, and convey them at once to the station. Lost children who can give their name and residence should be conducted to their homes without delay, if within the confines of the officer's beat, otherwise report to the station from nearest signal box.

With a search warrant the officer should proceed at once with the party who filed the warrant to the place designated, carefully search the premises for the property indicated in the warrant, and if found make an inventory of the same and convey it to the police station, arrest the person in whose possession the goods were found, and endorse on back of warrant the time the search was made, describe the property found and name of person arrested.

21. The proper form of serving a subpoena, a writ, or notice issued by the Mayor, is to serve it personally on the one named therein, if he can be found; otherwise, deliver it to his wife, or to an adult member of his family, or an adult servant of his household with an explanation of its purport. At the same time make a memorandum upon whom the copy was served, and the time of service.

22. In case of a dispute between a citizen and the driver of a public conveyance as to the fare, it is the officer's duty to explain the rate



patrolman's beat and failed to find him, when he will "call," which is to be answered by the officer on that beat in like manner; then if the roundsman desires the presence of the officer he will give a single blast of his whistle.

If an officer on his beat requires assistance of another officer he will give a single blast of his whistle which should be answered by the officer on the adjoining beat by one blast, when the officer wishing assistance will again blow a single blast after which the officer on the adjoining beat will hasten to his assistance.

In case of a riot, fire, or other emergency requiring the assistance of more than one officer, he will give three blasts of his whistle in quick succession, and it is the duty of all officers to answer the same by one blast of the whistle and hasten to his assistance.

[24] DEFINITION OF CRIMINAL TERMS.

Arson—The malicious burning of the house of another.

Assault—An unlawful offer or attempt, with force or violence, to do corporal hurt to another.

Aggravated Assault—Is an assault committed with the intention of committing some additional crime.

Battery—Any wrongful beating, or other unlawful physical violence, or (a) inflicted on a human being without his consent.

An Attempt—An endeavor to accomplish a crime carried beyond mere preparation but falling short of its execution of the ultimate design in any part of it.

Burglary—The breaking and entering the house of another in the night time with the intent to commit a felony therein, whether the felony be actually committed or not.

Robbery—A felonious and forcible taking from the person of another goods or money, to any value, by violence, or putting him in fear.

Larceny—The wrongful and fraudulent taking and carrying away by one person of the mere personal goods of another from any place, with the felonious intent to convert them to his, the taker's, use, and make them his property without the consent of the rightful owner.

Pick Pocket—A thief, one who in a crowd, or in other places steals from the pocket or person of another without putting him in fear. This is generally punished as larceny from the person.

Gaming—A contract between two or more persons, by which they agree to play by certain rules at cards, dice, or other contrivance, and that one shall be the loser and the other the winner.

Breach of the Peace—A violation of public order, the offense of disturbing the public peace. One guilty of this offense may be held to bail for his good behavior. An act of public indecorum is also a breach of peace.

Rape—The carnal knowledge of a woman by a man forcibly and unlawfully against her will.

Riot—A tumultuous disturbance of peace by three or more persons, assembling together of their own authority with an intent mutually to assist each other against any who shall oppose them.

(a) The word "or" is probably an error.

Printing, Etc.

1. Clerks and officers to make estimates of printing, advertising, etc., and deliver same to Clerk.

2. Clerk to advertise two weeks for proposals.

3. Joint session to award contracts.

4. Security.

Oct. 31, 1876.
§ 1. A. 481.

Clerks and officers to make estimates of printing, advertising, etc., and deliver same to City Clerk.

1. That it shall be the duty of the respective clerks of the Select and Common Councils of the City of Erie, and each of the officers thereof, to make estimates at the beginning of each fiscal year of the amount of stationery and paper that will be required during the ensuing year, and also of the probable amount of printing and advertising that will be required by the city during the ensuing year, and hand such estimates to the Clerk of the Select Council (a) of the City of Erie.

Id. § 2.

Clerk to advertise two weeks for proposals.

2. Upon receipt of such estimates, it shall be the duty of said Clerk of the Select Council to advertise at least once a week for two successive weeks, in two papers published in the City of Erie, for sealed proposals for the furnishing of the stationery, paper and materials required, and also for the necessary printing and advertising required.

Id. § 3.

Joint session to award contracts.

3. Said bids shall be opened in joint session of the Select and Common Councils at the time stated, and the contracts shall be let to the lowest responsible bidder, if the Councils shall deem the said contract advantageous to the interests of the city.

Id. § 4.

Security.

4. Such security for the fulfillment of the contract shall be required as the Councils shall direct. (b)

(a) Now City Clerk.

(b) The ordinance of Oct. 31, 1876, A. 482, providing similar procedure for procuring fuel for the several departments of the City government, seems to

have been superseded, so far as the Fire Department is concerned, by the fifth section of the ord. of March 31, 1884, C. 160, for which see title, "Fire Department."

Private Sewer Construction



2. That no permit shall be hereafter granted for the construction of a private drain or sewer unless the applicant shall give a judgment bond, with two sufficient sureties, to be approved of by the City Engineer, conditioned that he will sign each and every petition that may be circulated asking for the construction of a public sewer in the street in front of the premises proposed to be drained by the private sewer, or, at such applicant's election, pay to the City of Erie the sum of three dollars for each and every foot of land owned by such applicant fronting on the part of the street proposed to be sewered, within five days after such applicant's refusal to sign any such petition.

3. The refusal of any party who may give bond as aforesaid, to sign any such petition, shall be conclusive evidence of his election to pay the said sum of three dollars for each and every foot of land owned by him fronting on the part of any street proposed to be sewered as aforesaid; and it shall be lawful for the City of Erie, upon filing an affidavit in the record of any judgment entered upon such bond, of the amount payable under its conditions, to immediately issue an execution for the amount without any process to liquidate such damages.

4. That it shall not be lawful for any person or corporation to place any wooden box drain in any of the streets of the City of Erie, or to renew any such drain heretofore built.

5. Any person or corporation violating the provisions of this ordinance shall forfeit and pay unto the City of Erie a penalty of not less than ten dollars nor more than fifty dollars for each and every offense, to be collected as debts of like amount are collectible.

Ord. 197.
July 11, 1898.
§ 1. C. 300.
Conditions.

Id. § 2.
Penalty.

Ord. 10.
Mar. 23, 1882.
§ 1. C. 13.
Wooden box
drains pro-
hibited.

Id. § 2.
Penalty.

Railroads.

[See "Franchises."]

1. Preamble.
2. Flagmen to be kept at grade crossings; especially Chestnut St and East 6th St.
3. Planking grade crossings.
4. Locomotive whistles not to be used near street crossings, except as a signal of danger, cylinder cocks to be closed while passing streets.
5. 12th St. not to be used for yard purposes; 12 hours allowed for loading or unloading cars.
6. Penalty.
7. Getting on cars while in motion prohibited; penalty.
8. Speed of R. R. trains.
9. Penalty.
10. Trains on street crossings not to exceed five minutes.
11. Cutting trains at crossings.
12. Penalty.
13. Street Railways to use T rails; proviso.
14. Paving along T rails; special brick.
15. Laying or changing of R. R. tracks; permit required from Councils.
16. Penalty.
17. All safety gates to be operated and watchmen employed at night as well as day; penalty.

18. Safety gates required at Parade, Holland, Turnpike, Peach, Sassafras, Myrtle, Chestnut and E. 6th Street R. R. crossings; proviso.
19. Penalty.
20. Repeal.
21. At the Holland and German street crossings of the L. S. & M. S. R. R.
22. Penalty.
23. At Cherry and Walnut Streets, L. S. & M. S. R. R. crossings.
24. Penalty.
25. At 8th, 10th and 12th Streets, P. & E. crossings.
26. Penalty.
27. At Walnut and Cherry Streets, L. S. & M. S. and E. & P. crossings.
28. Penalty.
29. At Poplar street crossing of E. & P. R. R.
30. Penalty.
31. At Poplar street crossing of L. S. & M. S. R. R.
32. Penalty.
33. At Holland and German street crossings of N. Y. C. & St. L. R. R.
34. Penalty.
35. At Holland, German and Parade street crossings of N. Y. C. & St. L. R. R.

- 36. Penalty.
- 37. At Myrtle and Chestnut street crossings of the N. Y. C. & St. L. R. R.
- 38. Penalty.
- 39. N. Y. C. & St. L. R. R. safety gates at Sassafras Street.
- 40. Penalty.
- 41. Watchmen for Myrtle, Walnut and Poplar street crossings of the Bessemer R. R.
- 42. Penalty.
- 43. L. S. & M. S. R. R. safety gates at East Avenue.
- 44. Penalty.
- 45. L. S. & M. S. and E. & P. safety gates at Cascade and Raspberry Streets.
- 46. Penalty.
- 47. Board of R. R. Crossing Commissioners created, must be residents of

- different wards; qualifications; not to be all of same political party.
- 48. Election; term; vacancies.
- 49. Removals.
- 50. Organization; oath; Clerk C. C. ex-officio clerk.
- 51. To abolish grade crossings; duty of City Engineer; powers and duties of this board.
- 52. Record.
- 53. Appropriations; expenditures; monthly reports.
- 54. Power over contractors and their workmen.
- 55. Bills to be itemized; measurements.
- 56. Annual report.
- 57. Shall have no personal interests in contracts; no compensation.

June 24, 1873.
A. 409.

GENERAL PROVISIONS.

Preamble.

1. Whereas, the running of railroad trains through the inhabited parts of the City of Erie is attended with great risk, and it is the duty of the city to protect its citizens and other persons who are entitled to the use of the public streets, by reasonable regulations for the running of said trains. Therefore

Id. § 1.
Flagman to be kept at grade crossings, especially Chestnut Street and East 6th Street.

2. *Be it enacted, etc., * * * ** that at all the streets of said city where the main track or tracks of any railroad company or companies cross the same at the same grade as the street, and at East Sixth Street, where the Philadelphia & Erie Railroad track crosses the same, and Chestnut [Street], where the track of the Erie & Pittsburg Railroad crosses the same, the said company or companies owning or using the tracks aforesaid, shall employ and keep a flagman, who shall take a position in the middle of the street in time to give notice of every approaching train. (a) * * * *

Id. § 2.
Planking grade crossings.

3. That at all points, where the streets of the city are crossed by the track or tracks of any railroad company or companies, at the same grade as that of the street, the said company or companies are hereby required to build their

6. That any violation of any provision of this ordinance shall subject the railroad company owning, and the engineer, conductor, or other person operating or having charge of said locomotive, engine or train, or either of them, to a fine for the use of said City of Fifty (\$50) Dollars, which shall be imposed and collected as other like fines are now imposed and collected by law, and if any judgment recovered therefor, together with the costs, be not paid forthwith, the defendant or defendants shall be committed and imprisoned in the County Jail for a period not exceeding thirty days. (a)

7. Any person or persons jumping or getting on, or attempting to jump or get on any railroad train or engine within the limits of said city, while the same is in motion, employees and regular passengers excepted, shall be subject to a fine of five dollars for each offense, to be imposed and collected as other like fines are now imposed and collected by law.

8. That from and after the passage of this ordinance, no engine or train of cars, freight or passenger, shall be moved along any street, or over any street crossing within the limits of the City of Erie at a greater rate of speed than fifteen miles per hour. * * * *

9. That any violation of any provision of this ordinance shall subject the railroad company owning, and the engineer, conductor or other person operating or having in charge any locomotive, engine or train in violation of this ordinance, or either of them, to a fine of fifty dollars, which said fine shall be imposed and collected as other fines are now imposed and collected by law.

10. From and after the passage of this ordinance, it shall be unlawful for any person or persons to stop any locomotive, railway car, or train of cars, on any street crossing, within the limits of the City of Erie, longer than five minutes at any one time, except in cases of accident or unavoidable detention.

11. When trains are opened at any street crossing, they shall be opened the full width of the street.

12. Any railroad yard-master, locomotive engineer, railroad conductor, brakeman, or other person violating any of the provisions of this ordinance, or aiding in the violation of the same, shall, upon conviction thereof before the Mayor, or acting Mayor, or any Alderman of the said City of Erie, be sentenced to pay the costs of prosecution and to forfeit and pay a fine, not exceeding one hundred dollars, for the use of the said City of Erie, and in default of the payment of the costs and fine so imposed, the person or persons so convicted as aforesaid shall be committed to and imprisoned in the common jail of the County of Erie, Pennsylvania, for a period of not exceeding thirty days.

(a) So amended by Ord. 1937, approved Nov. 20, 1901, I 75.

Ord. 1209.
Feb. 12, 1901.
§ 1. H. 382.

Street Rail-
ways to use
T rails;
Proviso.

13. That from and after the passage of this ordinance, all construction or re-construction of the tracks of any street railway company, upon any street or streets of this city, shall be made with "T" rails of not less than seven (7) inches in depth, laid to conform with the grade or grades of streets so as to present as little obstruction as possible to public travel, provided, however, that the City of Erie may, at its option in all cases, require a wide bearing flange rail to be laid as heretofore.

Id. § 2.

Paving
along T
rails.
Special
brick.

14. Whenever any street passenger railway shall use such "T" rail in the construction or re-construction of any track or tracks, on any street or streets, a portion of which such company is required to pave, or shall be hereafter required to pave, the paving adjoining such "T" rails on the outside shall be made with regular paving brick, with the top face level with the top of the rails and on the inside of said rails shall be made with a special paving brick, with one corner cut off, so that the end of each brick will pass under the head and touch the web of each rail, leaving the top face of brick level with the top of the rail, at which level the face of the brick shall be maintained, and the work shall be done under the supervision of the City Engineer.

Ord. 1777.
Aug. 31, 1900.
§ 1. H. 352.

Laying or
changing of
R. R. tracks;
permit re-
quired from
Councils.

15. That from and after the passage of this ordinance, the rails or tracks of any steam railroad, electric railroad, or other company occupying any street or streets in the City of Erie, or that may hereafter occupy the same or any part thereof, shall not be taken up, laid or relaid or altered, except for ordinary repairs, unless permission therefor be first granted by joint resolution of the Select and Common Councils. (a)

Id. § 2.

Penalty.

16. Any person, company or corporation, their agents or employes, violating the provisions of this ordinance shall be liable to a fine of not more than fifty dollars for each and every

in the City of Erie," (a) where their respective roads cross the following streets, to wit: At Parade, Holland, Turnpike, Peach, Sassafras, Myrtle, Chestnut and East Sixth Streets. *Provided*, That where the tracks of any two or more railroads are in such proximity to each other that it is practical to maintain gates in common, said companies may also maintain and operate them if they desire. (b) Aug. 31. 1883

19. Any railroad company refusing or neglecting to erect, maintain and operate safety gates as required by the provisions of this ordinance, shall forfeit and pay to the City of Erie, a penalty of one hundred dollars, for such neglect or refusal; and for every day that such refusal or neglect shall continue, after suit commenced for the penalty aforesaid, such railroad company shall forfeit and pay a penalty of ten dollars; all said penalties to be collected as provided by law. Id. § 2.
Penalty.

20. So much of any ordinance as requires railroad companies to erect safety gates at grade crossings in the City of Erie, at other streets than those above named is hereby repealed. Id. § 3.
Repeal.

21. That the Lake Shore & Michigan Southern Railway Company and the Philadelphia & Erie Railroad Company be, and are hereby required to erect, maintain and operate safety gates, of the most approved kind, on Holland and German Streets, where said streets are crossed by their respective railroads; *provided*, that if said companies so desire, they may join in the erection of said safety gates, where their tracks immediately adjoin each other. Ord. 286.
Nov. 7, 1887.
§ 1. D. 61.
At the Holland and German Street crossings of the L. S. & M. S. R. R.

22. If said companies, or either of them, shall neglect or refuse to erect and operate such gates, the company or companies refusing shall each forfeit and pay to the City of Erie a penalty of one hundred dollars for such neglect or refusal, collectible as debts of like amount are by law collectible. Id. § 2.
Penalty.

23. That it shall be and is hereby made the duty of the Lake Shore & Michigan Southern Railway Company forthwith to erect, and thereafter to maintain and operate, safety gates of the most approved style, at points where its tracks cross Cherry Street and Walnut (c) Street in the City of Erie. Ord. 294.
Nov. 15, 1887.
§ 1. D. 73.
At Cherry and Walnut streets L. S. & M. S. R. crossings.

24. If said company shall neglect or refuse to comply with the provisions of this ordinance, it shall forfeit and pay to the City of Erie a penalty of one hundred dollars, and a like sum for each and every month such neglect or refusal shall continue after suit brought for the aforesaid penalty. Id. § 2.
Penalty.

25. That the Philadelphia & Erie Railroad Company be, and said company is hereby required to erect, within thirty days after the final passage of this ordinance, and to maintain and operate safety gates of the most approved pattern, Ord. 345.
June 23, 1888.
§ 1. D. 161.
At Eighth, Tenth and Twelfth Streets P. & E. crossings.

(a) The Ordinance of Nov. 17, 1882, C. 64, here referred to, provides as follows: "To erect, maintain and operate, at all such street crossings, safety gates of the most approved style, for the purpose of protecting the public from injury."

(b) For subsequent ordinances requiring safety gates at Holland street railroad crossings, see *Infra* 21, 33 and 35; at Parade street, *Infra* 35, and at Myrtle and Chestnut streets, *Infra* 37.

(c) See *Infra* 27.

June 28, 1888

at the points where the tracks of said company cross Eighth, Tenth and Twelfth Streets in said City of Erie.

Id. § 2.

Penalty.

26. If the said company shall neglect or refuse to comply with the provisions of this ordinance, said company shall forfeit and pay, to the City of Erie, a penalty of one hundred dollars for such neglect or refusal, and a further penalty of not less than five dollars nor more than ten dollars for each and every day such neglect or refusal shall continue. Said penalties to be collected in like manner as debts are by law collectible.

Ord. 375.
Nov. 23, 1888.

At Walnut
and Cherry
streets, L. S.
& M. S. and
E. & P.
crossings.

27. That the Lake Shore & Michigan Southern Railway Company and the Erie & Pittsburg Railroad Company be, and they are hereby required to forthwith erect, and thereafter maintain and operate, safety gates of the most approved pattern on Walnut Street and on Cherry Street, where said Streets are crossed by said railways respectively.

Id. § 2.

Penalty.

28. If said companies shall neglect or refuse to erect and operate such safety gates, said companies shall forfeit and pay to the City of Erie a penalty of one hundred dollars for such neglect or refusal, and a penalty of ten dollars for each and every day such neglect or refusal shall continue after suit brought to recover said first penalty; said penalties to be collectible as debts of like amount are collectible.

Ord. 447.
Oct. 17, 1889.
§ 1. D. 271.

At Poplar
street cross-
ing of E. &
P. R. R.

29. That it shall be and hereby is made the duty of the Erie & Pittsburg Railroad Company forthwith to erect and thereafter to maintain and operate safety gates of the most approved style at the points where its tracks cross Poplar Street (a) in the City of Erie.

Id. § 2.

Penalty.

30. If said company shall neglect or refuse to comply with the provisions of this ordinance, it shall forfeit and pay to the City of Erie a penalty of one hundred dollars, and the like sum for each and every month such neglect or refusal shall continue after suit is brought for the aforesaid penalty.

Ord. 448.
Oct. 21, 1889.
§ 1. D. 281.

31. That it shall be and is hereby made the duty of the Lake Shore & Michigan Southern Railway Company to erect

sum for each and every month such neglect or refusal shall continue after suit is brought for the aforesaid penalty. Oct. 18 1899

35. That the New York, Chicago, and St. Louis Railroad Company be and is hereby required to erect within thirty days after the approval hereof, and thereafter maintain and operate each and every day from 6 a. m. until 8 p. m., safety gates of the most approved pattern, for the protection of the public from danger, at the points where the tracks of said company cross Holland, German and Parade Streets, in the City of Erie. Ord. 2303.
Apr. 9, 1904.
§ 1. I. 384.
At Holland,
German and
Parade
Streets
crossing of
N. Y. C. &
St. L. R. R.

36. If said company shall neglect or refuse to comply with the provisions of this ordinance, it shall forfeit and pay to the City of Erie a penalty of Four Hundred Dollars for such neglect or refusal, and a penalty of forty dollars for each and every day such neglect or refusal shall continue after suit shall have been commenced to recover said first named penalty; said penalties to be collectible as debts of like amount are by law collectible. Id. § 2.
Penalty.

37. That the New York, Chicago & St. Louis Railroad Company be, and is hereby required to erect, within thirty days after the passage of this ordinance, and thereafter maintain and operate, both day and night, safety gates of the most approved pattern for the protection of the public from danger, at the points where the tracks of said Company cross Myrtle and Chestnut Streets in the City of Erie. Ord. 2266.
Oct. 29, 1903.
§ 1. I. 327.
At Myrtle
and Chestnut
Streets
crossings of
the N. Y. C.
& St. L. R.
R.

38. If said Company shall neglect or refuse to comply with the provisions of this ordinance it shall forfeit and pay to the City of Erie a penalty of One Hundred Dollars for such neglect or refusal, and a penalty of Ten Dollars for each and every day such neglect or refusal shall continue after suit shall have been commenced to recover said first named penalty; said penalties to be collectible as debts of like amount are collectible. Id. § 2.
Penalty.

39. That the New York, Chicago & St. Louis Railroad Company be, and the said company is hereby required to erect, within thirty (30) days after the final passage of this ordinance, and to maintain and operate, at all times, safety gates of the most approved pattern, at the point where the track of said company intersects Sassafras Street, in the City of Erie. Ord. 1364.
June 10, 1897.
§ 1. H. 17.
N. Y. C. &
St. L. R. R.
safety gates
at Sassafras
Street.

40. If the said company shall neglect or refuse to comply with the provisions of this ordinance, said company shall forfeit and pay, to the City of Erie, a penalty of one hundred dollars for such neglect or refusal, and a further penalty of not less than five dollars, nor more than ten dollars for each and every day such neglect or refusal shall continue; said penalties to be collected in like manner as debts by law are collectible. Id. § 2.
Penalty.

41. That the Pittsburg, Bessemer & Lake Erie Railroad Company is hereby required to employ a watchman at each of the following points, viz: At the Myrtle, Walnut and Poplar Streets crossings of said Company's Railroad, in the City of Erie, for the purpose of giving notice of approaching trains, and warning passers-by against danger of accident. Ord. 1651.
Oct. 12, 1899.
§ 1. H. 258.
Watchmen
for Myrtle,
Walnut and
Poplar
streets
crossings of
the Bessemer
R. R.

Oct. 12, 1899
Id. § 2.
Penalty. 42. If said Company shall neglect or refuse to comply with the provisions of this ordinance, it shall forfeit and pay to the City of Erie a penalty of one hundred dollars, and the like sum for each and every month such neglect or refusal shall continue after suit is brought for the aforesaid penalty.

Ord. 2178.
June 4, 1908.
§ 1. I. 279. 43. That the Lake Shore & Michigan Southern Railroad Company be, and is hereby required to erect, within thirty days after the passage of this ordinance, and thereafter maintain and operate, both by day and night, safety gates of the most approved pattern for the protection of the public from danger at the point where the tracks of said Company cross East Avenue in the City of Erie.

Id. § 2.
Penalty. 44. If said Company shall neglect or refuse to comply with the provisions of this ordinance, it shall forfeit and pay to the City of Erie a penalty of one hundred dollars for such neglect or refusal, and a penalty of ten dollars for each and every day such neglect or refusal shall continue after suit shall have been commenced to recover said first named penalty; said penalties to be collectible as debts of like amount are collectible.

Ord. 2555.
Oct. 2, 1906.
§ 1. J. 138. 45. That the Lake Shore & Michigan Southern Railroad Company and the Erie & Pittsburg Railroad Company be, and are hereby required to erect, within thirty days after the passage of this ordinance, and thereafter maintain and operate, both day and night, safety gates of the most approved pattern for the protection of the public from danger, at the points where the tracks of said companies cross Cascade and Raspberry Streets in the City of Erie. Provided, that if said companies so desire, they may erect, maintain and operate such gates in common.

Id. § 2.
Penalty. 46. If said companies or either of them shall neglect or refuse to comply with the provisions of this ordinance, the company or companies failing to comply shall each forfeit and pay to the City of Erie a penalty of one hundred dollars for such neglect or refusal, and a penalty of ten dollars for

partment of the City of Erie, or an official of or in the employ of any railroad company, or street railway company, or who shall hold and enjoy any office of trust or profit or responsibility under the City of Erie, the State of Pennsylvania, or the United States, shall be eligible as a member of such Board, (Notaries Public, officers of the National Guard, and directors in a National Bank, only excepted). Not more than two members of such Board shall be of the same political party. Mar. 14, 1904

48. Within fifteen days after the passage and approval of this ordinance, the Select and Common Councils, of the City of Erie, shall meet in joint convention and elect three persons by a vote of a majority of the members chosen to both branches, who shall constitute the "Board of Railroad Crossing Commissioners," each member of Councils to vote for two persons, and the three persons receiving the highest number of ballots shall be elected. No member to vote for more than one person from the same ward. The three Commissioners so chosen shall be elected for the terms commencing with their election and ending, one, two and three years, respectively, from the first Monday of April, 1904, and until their respective successors are elected and qualified; their term of office shall be determined by lot by them in the presence of the Presidents of both branches of the Councils, the Mayor, the City Clerk and City Solicitor, and thereafter commencing with the first Monday in March, 1905, there shall be annually elected in joint convention of Councils, one member of the "Board of Railroad Crossing Commissioners," qualified as aforesaid, whose term of office shall be for three years from the first Monday in April following his election, and until his successor is duly elected and qualified; provided, that if the Councils shall fail or neglect to elect such Commissioner or Commissioners, on the date prescribed in this ordinance, it shall and may be lawful for such an election to be held as soon thereafter as practicable, and the term of the Commissioner so chosen to be computed from the first Monday in April, succeeding when the election should have been held. Should a vacancy at any time occur in said Board, the same shall be filled by Councils in joint convention, by a vote of a majority of the members chosen to both branches, and the person so chosen shall serve as a member of such Board for the unexpired term of the Commissioner whose place he was elected to fill. Id. § 2.
Election;
term.

49. Any member of said Board may be removed for cause by a two-thirds vote of all the members in joint convention elected to Councils, but any members against whom charges have been made shall be given fifteen days' notice thereof, and furnished with a copy of the charges preferred, in order that he may be heard if he so desires. Id. § 3.
Removals.

50. The said Board shall organize annually on the first Monday of April in each year by electing one of their members as President, and one of their members as Secretary; and the Clerk of the Common Council shall act as Clerk of said Board. The officers so elected shall serve for the term of one year. Each member shall take and subscribe to the oath of office provided by law to be taken by the officers of the City of Id. § 4.
Organiza-
tion;
oath;
Clerk C. C.
ex-officio
Clerk.

Mar. 14, 1904

Erie, before the Mayor. A majority of the members of such Board shall constitute a quorum for the transaction of business.

Id. § 5.

To abolish
grade cross-
ings: duty
of City En-
gineer;
Powers and
duties of
this Board.

51. Upon their organization, the said Board shall proceed to consider and devise a plan or plans for the abolishment of such grade crossings in the City of Erie, which, in the opinion of such Board should be abolished. The said Board are hereby vested with the authority, and it shall be their duty, to devise the method and prepare all necessary plans, specifications and estimates for abolishing such grade crossings, and for the purpose of enabling them so to do, the City Engineer shall, under their direction, prepare such plans and specifications and estimates, as they shall at any time require of him. The said Board shall negotiate with the Railroad Company or Companies in interest as to the division of the cost of such improvement, the manner of abolishing such grade crossings, the grade to be established, the cost of maintenance, and all other matters in relation thereto; and after having made such arrangements with such Railroad Company or Companies, the said Commissioners shall invite proposals for the furnishing of all necessary labor and materials in and about the construction of such improvement, and the abolishment of such grade crossings, after having first advertised the same, in the same manner as proposals for contracts are now advertised by the Councils of the City of Erie; and the contract or contracts shall be awarded by the said Board to the lowest and best bidder therefore; provided, however, that no such contract shall take effect and be binding upon the City of Erie, unless the same shall have first been approved of by the Councils and Mayor of the City of Erie. The said "Board of Railroad Crossing Commissioners" shall exercise a general supervision over the work and may let such contract in part or in whole as they may deem proper.

Id. § 6.

52. The said Board shall keep an accurate record of the

or his bondsmen, and to discharge any incompetent workman, which in their opinion is not qualified to perform the duties assigned to him, which facts, together with the cost of such rebuilding or reconstruction, shall be at once certified to the City Controller. Each contract shall contain a stipulation securing to the City of Erie this right.

Mar. 14, 1904

Id. § 9.

Bills to be itemized; Measurements.

55. The Board shall require an itemized bill to be filed before approving any claim which shall be duplicated and the original placed on file in the office of the Board. All bills passed on measurements for public improvement shall be first certified by the City Engineer.

Id. § 10.

Annual report.

56. The Board shall make an annual report to Councils on the first Monday in January of each year, setting forth its operations for the past year, and shall also report all public work which is deemed for the best interests of the City, and estimate of the cost thereof.

Id. § 11.

Shall have no personal interest in contracts; no compensation.

57. No member of the Board, nor any officer or employee under its control, shall be interested directly or indirectly in any contract or work under its control, nor shall any member thereof furnish any supplies or materials, the purchase of which is by order of the Board or the bids of which will be subject to the approval of the same. No member of said Board shall receive any salary.

Registry of Real Estate.

1. Real estate to be registered.
2. Registry to be made by City Engineer; what it shall contain; search of public records; where registry to be kept; to show successive transmissions of title and evidence of former ownership.

3. Certified copies; fee for use of city; blanks.
4. Property owners to furnish description of their property, deeds to be presented and stamped.
5. Penalty.

1. That for the purpose of procuring accurate information in reference to the ownership of all real estate liable to municipal taxation and assessments, in the City of Erie, Pennsylvania, registry thereof is hereby established, as provided for, and in conformity to, the provisions of Article Sixteen of an Act entitled "An act providing for the incorporation and government of cities of the third class," approved May 23, 1889.

Ord. 1479.
Mar. 22, 1898.
§ 1. H. 141.

Real estate to be registered.

2. That the City Engineer of the City of Erie, Pa., shall cause to be made books of plans of said city, showing the situation and dimensions of each property therein, with the city number, and name of the owner or owners thereof, with blank space for the names of future owners and dates of future transfers of title, and for such purpose the said Engineer may use search to be made in any of the public records of the county wherein the necessary information may be obtainable therefor, and may also cause search to be made in any other place for any muniments or evidence of title not reported to him as hereinbefore provided, and requisite for the completion of said plans. The said books of plans shall be carefully preserved in the department of surveys, of said City of Erie, by the City Engineer, and shall be so kept by additions from time to time as to show the ownership of each lot or piece of real estate, or sub-division thereof, within

Id. § 2.

Registry to be made by City Engineer; what it shall contain.

Search of public records; Where registry to be kept. To show successive transmissions of title, and evidence of former ownership.

314 REGISTRY OF REAL ESTATE—SEALER OF WEIGHTS AND MEASURES.

Mar. 22, 1898 the city limits, with the successive transmissions of title from the date of commencement of such plans; and said plans shall be kept in such manner as not to obliterate or destroy any evidence of the ownership at any previous time.

Id. § 3. 3. Certified copies under the hand of the said Engineer of any of the entries in said books of plans shall be furnished to any person desiring the same on prepayment of twenty-five (25) cents for each certified copy of entries relating to one piece of property under a single title. Applicants for certified copies as aforesaid, must furnish written description of the properties referred to, upon blanks which shall be furnished by the City Engineer. All moneys received by the City Engineer from the aforesaid fees shall be paid into the City Treasury monthly.

Id. § 4. 4. It shall be the duty of all owners of unregistered real estate within the city limits, within one month from the date of approval of this ordinance, and of every subsequent purchaser, devisee, or person acquiring title by partition or otherwise, to any real estate therein, within one month after acquiring such title, to furnish to the said Engineer, at his office, descriptions of their respective properties upon blanks to be furnished by the city, and at the same time to present their conveyances to be stamped by said Engineer without charge, as evidence of the registration thereof.

Id. § 5. 5. Any person or persons neglecting or refusing to comply with any of the provisions of this ordinance after a period of thirty days from and after public notice shall have been given of the requirements thereof, shall be liable to a penalty of five (\$5) dollars for each offense.

Certified
copies; fee
for use of
city.
Blanks.

Property
owners to
furnish
description
of their
property.
Deeds to be
presented
and stamped.

Penalty.

Sealer of Weights and Measures

[See "Weights and Measures."]

1. Office of Sealer of Weights and Measures created; duties.

2. Appointment; term; removal.

9. Standard weights and measures to be kept in Health office office hours.

10. Records.

in April next, thereafter triennially appoint a man, competent by trade and education to act as Sealer of Weights and Measures for a term of three years, whose term of office shall commence on the first Monday of May, A. D., 1898, and who shall continue to hold said office until his successor has been duly appointed and has qualified; and in like manner any vacancy occurring in said office shall be filled; provided, however, that the said officer may at any time during the term for which he was appointed, be removed from said office by said Mayor, for inability, official misconduct or neglect of duty.

Dec. 30, 1897

term;

removal.

3. It shall be the duty of the Sealer of Weights and Measures, once in every year, and as often as he may be especially thereunto required, to inspect, regulate and adjust all weights, scales and measures used in ascertaining the weight, quantity or extent of any article of property or merchandise bought or sold, or offered for sale within said city, and to mark or stamp said weights, scales and measures with the letters "C. E.," and the year in which they shall be so inspected, regulated or adjusted; provided, however, if such weights, scales or measures cannot be made correct, they shall be marked or stamped "Cond.," and shall not be again used in the purchase of sale of any goods or merchandise.

Id. § 3.

To adjust and mark weights, scales and measures.

4. If any person, firm, company or corporation shall use and sell by any weight, scale or measure not marked or stamped with the letters "C. E.," as aforesaid, he, she or they so offering shall forfeit or pay a fine or penalty of not less than ten dollars nor more than one hundred dollars and in case of failure to pay said fine shall be committed to the county jail for not less than ten days, nor more than sixty days.

Id. § 4.

Penalty for using un-stamped weights, etc.

5. The Sealer of Weights and Measures shall devote all his time to the duties of his office, and it shall be his duty, and it shall be lawful for him, at any reasonable hour, to enter any building or place where weights, scales or measures are used, or where he supposes they are used for the purpose of buying or selling any article of property or merchandise, to inspect any weights, scales or measures contained or being in such buildings or place; and, also, to inspect the weights, scales or measures in said City of Erie, and mark or stamp the same as provided in Section three of this ordinance. Said officer shall collect for such inspection, from the owner, owners, renter or renters of such weights, scales or measures, the fee or fees provided therefor in section eight of this ordinance.

Id. § 5.

Shall devote all his time; Powers;

Collection of fees.

6. It shall be the duty of the Sealer of Weights and Measures to inspect at any reasonable hour, any scale, weight or measure, when called upon by any person to do so; provided, said sealer shall collect from said person such fee or fees therefor as are provided in section eight of this ordinance.

Id. § 6.

Duty to inspect at any reasonable hour.

7. All persons having scales, weights or measures of any kind, which are to be used in buying or selling any article of property or merchandise may carry the same to the office

Id. § 7.

Weights and measures may be carried to office for inspection.

Dec. 20, 1897

of the Sealer of Weights and Measures, who, having inspected and found them correct, or having made them correct, shall stamp or mark them as provided in section three of this ordinance.

Id. § 8.Fees.

8. The Sealer of Weights and Measures shall collect for the performance of the duties herein imposed upon him, at the following rates:

For testing elevator hopper scales, each, . . .	\$10.00
For testing hay, coal or wagon scales, each, . .	3.00
For testing dormant scales, each,	1.50
For testing platform scales, each, . . . . .	.50
For testing platform counter scales and weights, . . . . .	.25
For testing depot scales, each,	3.00
For sealing and marking every beam, each . .	.10
For sealing and marking every weight, . . . .	.02
For testing and marking dry and liquid measures, each, . . . . .	.05
For sealing and marking measures of extension, per yard . . . . .	.03
And not to exceed nine cents for any one measure of extension, nor ten dollars for measures in any one place.	
For each hour's labor performed by the sealer in correcting, regulating or adjusting weights or measures or setting up scales, 50 cents per hour.	

Not more than one charge, at the rates above provided for, shall be made in one year, to the owner, or owners, renter or renters of such weights, scales or measures for sealing the same, unless upon the second and further inspection, the same shall be found not to conform to the standard established by law.

12. It shall be the duty of the City Controller to prepare blank slips or receipts consecutively numbered, showing the different fees or prices for setting up, testing, regulating and adjusting each and every article, as provided for in section eight of this ordinance, and to deliver from time to time to the Sealer of Weights and Measures a sufficient quantity of the same. The said Sealer shall give to each person for whom he renders service one of said slips, indicating thereon the name, date, the article or articles inspected, set up, regulated or adjusted, and the amount of the fee or fees received, and shall place his signature thereon in ink. Said person to whom such receipt is given by the said Sealer shall sign a duplicate of the receipt received. Said Sealer of Weights and Measures shall turn over to the City Treasurer, each Monday all moneys so collected by him during the preceding week, and shall take the Treasurer's receipt therefor. The said duplicate slips or receipts shall be turned over to the City Controller, each Monday, and the total amount of fees collected by said Sealer, for each week, as shown by the duplicate receipts turned over to the Controller each Monday, shall correspond with the amount given to the City Treasurer, each Monday. The Sealer shall also submit to the City Controller a written report of the articles inspected, regulated and adjusted, every month, which said report shall be sworn to by said Sealer, and shall contain a separate statement of the amount of fees received by him from each person, and the name, business and place of business of all persons whose weights, scales or measures have been found to be below the standard.

Dec. 20, 1897
§ 12.

Shall give
certificates
of inspection;

Monthly re-
ports;

Payment of
fees into
Treasury.

13. The said Sealer shall, at all times when in the discharge of his official duties, wear a badge, with the words "Sealer of Weights and Measures, Erie, Pennsylvania," inscribed thereon.

Id. § 13.

Badge.

14. Any person preventing or hindering the Sealer of Weights and Measures from obtaining any article to be inspected, or obstructing him, in any way, in the lawful exercise of his duties, shall forfeit and pay a penalty of not less than ten, nor more than one hundred dollars for each offense, and in case of failure to pay said fine, shall be committed to the county jail for not less than ten days, nor more than sixty days.

Id. § 14.

Penalty for
interference
with Sealer
in performance
of his
duty.

15. It shall be the duty of every police officer to assist the Sealer of Weights and Measures when required, and to report to him any violation of this ordinance, within said police officer's knowledge, and the Sealer of Weights and Measures shall report the same to the Mayor of the City of Erie.

Id. § 15.

Police to as-
sist when
necessary.

16. The said Sealer of Weights and Measures shall make and execute to the City of Erie, a judgment bond to be approved by the City Solicitor and Councils in the sum of one thousand dollars (\$1,000), conditioned for the faithful performance of each and every of the duties imposed upon him by this, and any supplemental ordinance or ordinances of the City of Erie. He shall, whenever notified so to do by the Mayor of said city execute to said city a new bond, with new sureties, whenever, in the opinion of said Mayor, the sureties on the bond given are insufficient.

Id. § 16.

Bond.

Dec. 20, 1897
§ 17.
Compensation.

17. The Sealer of Weights and Measures shall receive a compensation for his services, only from the fees which he shall collect by virtue of the provisions of this ordinance, which compensation shall be eight hundred and forty dollars per annum, provided, such an amount shall have been so collected, and if not so collected, the City of Erie shall not be liable for any deficiency, and if the amount of the fees collected will permit such compensation shall be payable in equal monthly installments of seventy dollars each.

Sergeant-at-Arms.

- | | |
|--|---|
| 1. Shall serve notices. | 4. Shall account for moneys in his hands. |
| 2. Shall do the janitor work at Council rooms. | 5. Salary. |
| 3. Shall attend city suits. | 6. Shall give bond. |
| | 7. Shall act as janitor of City Hall. |

July 22, 1878.
§ 1. A. 502.
Shall serve notices.

1. That in addition to the duties now imposed by law upon the Sergeant-at-Arms, he shall serve all notices for the City of Erie that can be served by him, and keep proper records thereof.

Id. § 2.
Shall do the janitor work at Council rooms.

2. He shall perform, or cause to be performed at his own expense, all janitor work required at the Council rooms.

Id. § 3.
Shall attend city suits.

3. He shall attend all suits to which the City of Erie is a party, when required to do so, either by the Mayor, Councils or City Solicitor.

Id. § 4.
Shall account for money in his hands.

4. He shall keep an accurate account of all moneys received by him for or on behalf of the City of Erie, and pay the same to the City Treasurer at least once in every ten days, and immediately thereafter report to the Comptroller the amount so paid.

Ord. 2193.
July 1, 1903.
§ 1. I. 291.
Salary.

5. That from and after the passage of this ordinance the salary of the Sergeant-at-Arms shall be, and is hereby fixed

Sewer Districts

- | | |
|--|--|
| <p>1. Division of the city into sewer districts; boundaries of District No. 1 defined.</p> <p>2. District No. 2 defined.</p> | <p>3. No. 3 defined.</p> <p>4. No. 4 defined.</p> <p>5. No. 5 defined.</p> |
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1. That the City of Erie, for sewerage purposes, shall be, and is hereby divided into five districts, as follows, to wit: Ord. 269.
July 20, 1887.
D. 35.

Sewer District No. 1 shall consist of all that part of the City of Erie bounded on the north by the Bay, east by a line drawn through the center of the blocks between Cherry Street and Walnut Street, and extending from the Bay southerly parallel with Walnut Street to a point in Square No. 235, half way between Eighteenth Street and Nineteenth Street; on the south by a line parallel with Eighteenth Street, and running through the center of the blocks between Eighteenth Street and Nineteenth Street, to Cranberry Street; on the West by Cranberry Street.

2. Sewer District No. 2 shall consist of that part of the City of Erie bounded as follows, to wit: District No. 2 defined.

On the north by the Bay; on the west by Sewer District No. 1, as above described; on the south by a line commencing at the southeast corner of Sewer District No. 1, and running thence easterly, parallel with Eighteenth Street, through the center of the blocks between Eighteenth Street and Nineteenth Street, to the center of Wallace Street; on the east by a line running from the east end of said south line northerly along the center of Wallace Street to a point midway between Ninth Street and Tenth Street; thence westerly parallel with Ninth Street to center of block between Parade Street and Wallace Street; thence northwardly parallel with Wallace Street to the center of Sixth Street; thence easterly along the center of Sixth Street to the center of Wallace Street; thence northerly along the center of Wallace Street to the Center of Fourth Street; thence easterly along the center of Fourth Street to the center of Ash Street; thence northerly along center of Ash Street to Garrison Tract, and thence by the western boundaries of the Garrison Tract to the Bay.

3. Sewer District No. 3 shall consist of that part of the City of Erie bounded on the north by the Bay and Lake Erie; on the west by Sewer District No. 2; on the south by a line running through the blocks midway between Eighteenth Street and Nineteenth Street, and extending parallel with Eighteenth Street from the southeast corner of District No. 2 to the eastern line of the City of Erie, and on the east by Mill Creek Township. District No. 3 defined.

4. Sewer District No. 4 shall consist of that part of the City of Erie bounded on the north by Sewer Districts Nos. 2 and 3; and the east by Mill Creek Township; on the south by Mill Creek Township, and on the east by the stream called Mill Creek. No. 4 defined.

5. Sewer District No. 5 shall consist of that part of the City of Erie bounded on the north by Sewer Districts Nos. 1 and 2; on the west by Mill Creek Township; on the south by Mill Creek Township, and on the east by the stream called Mill Creek. No. 5 defined.

Sewer, Gas and Water Connections.

1. Sewer connections; how made.
2. To be laid by city at expense of property owners; Inspector's fee.
3. Receipts to be paid into City Treasury; city to pay contractor.
4. Record.
5. Penalty.
6. Permit required before cutting a street pavement; bond.
7. Penalty.
8. Bond required before breaking ground for any purpose; conditions; penalty.
9. Change in grade in streets where water or gas mains are laid; notice to Water Commissioners and Erie Gas Co.; Engineer to give notice.
10. Engineer to give grades of streets in which it is proposed to lay pipe.
11. Streets to be restored to former condition.
12. Penalty.
13. Gas, water and sewer connections to be put in before paving.
14. Connections to be made every 41½ feet, every 20½ feet on certain streets.
15. Penalty.
16. In case of default city to put in the connections and assess the cost.
17. Supplementary to ordinance of June 19, 1886.

Ord. 1494.
Mar. 28, 1898.
§ 1. H. 155

Sewer con-
nections, how
made.

Id. § 2.

To be laid
by city, at
expense of
property
owners;
Inspector's
fee.

Id. § 3.

1. That from and after the passage of this ordinance, it shall be the duty of any person, firm, company or corporation requiring a connection from the property line or curb line of any street to any sewer in any street of said city, to make application to the City Engineer of said city, whose duty it shall be to have such connections made by the person or persons hereinafter specified.

2. It shall be the duty of said Engineer, upon application being made as provided in Section one of this ordinance, to estimate the cost of such connection; said estimate to be based upon the prices paid by the City of Erie for the labor and materials necessary to do said work, at the time when the said application is made to the City Engineer, and to include the cost of laying the pipe, an inspection fee of \$1.50 and the replacing of the pavement, if it is necessary to take up any pavement in the construction of said connection. The City Engineer shall collect from such person, firm, company or corporation, at the time of making such application, the amount of said estimate, shall issue a receipt for the amount paid, and shall cause such connection to be made as soon as practicable, by the person or persons performing similar work for the City of Erie at the time of such application.

3. It shall be the duty of the City Engineer to turn over

5. Any person or persons neglecting or refusing to comply with the provisions of this ordinance shall be subject to a fine of not less than ten, nor more than fifty dollars, for each offense, and in case of failure to pay such fine such person shall be committed to the County Jail for a period of not less than ten, nor more than thirty days. M. ar. 28, 1896
Id. § 5.
Penalty.

6. That from and after the passage of this ordinance it shall be unlawful for any person, firm, company or corporation to cut the pavement on any street in the City of Erie, without first having obtained a permit so to do; which permit shall be granted by the City Engineer, upon bond in the sum of \$500 being given to the City of Erie by the applicant for such permit. Said bond shall be conditioned that the applicant shall pay the contractor having the contract with said city for repairing the kind of pavement cut, upon presentation of a bill certified by the City Engineer; the amount of such bill to be determined in accordance with the current contract prices paid by the City of Erie for the same work, and said applicant shall agree that the City Engineer's estimate of measurement and quantity shall be conclusive upon such applicant. (a) Ord. 1729.
May 29, 1900.
§ 1. H. 330.
Permit re-
quired before
cutting a
street pave-
ment;
bond.

7. That every person violating the provision of this ordinance shall be subject to a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars, to be collected as other fines are by law collectible, and in default of payment of such fine, to be imprisoned in the County Jail for a period not exceeding thirty (30) days. Id. § 2.
Penalty.

8. * * Before any person or persons shall be allowed to break ground on any of the public streets of said city, to make sewer (b) connections, or for any other purpose, he, she or they are hereby required to first enter into a bond to said city in the sum of not less than fifty nor more than five hundred dollars, at discretion of the street committee, with security, which bond must be approved by the Mayor and City Solicitor; and the condition of said bond shall be that, if said person or persons shall proceed with all possible dispatch to make said connections, and repair said street in as good condition as it was before the work of tearing up said street, for whatever purpose, was begun, and shall save and keep harmless and indemnify said city from time to time, and at all times thereafter, from all manner of suits, actions, damages, costs or charges whatsoever, that may accrue to them on account of any accident that may happen to any person or persons, or property, by reason of said condition of said street, the said bond shall be void, but that if otherwise, it shall be and remain in full force and virtue; and that any person or persons violating this ordinance shall pay a fine of one hundred dollars to said city, to be levied and collected as other like fines are now by law collected. Jan. 22, 1874.
A. 430.
Bond re-
quired be-
fore breaking
ground for
any purpose.
Conditions.
Penalty.

(a) This supersedes Ord. of Nov. 5, 1885, C 240.

(b) This ordinance, so far as it relates to sewer connections, is repealed by Ordinance No. 1494, Supra 1.

Ord. 82.
Sept. 21, 1883.
§ 1. C. 116.

Change of
grade in
streets
where water
or gas mains
are laid;
notice to
Water Com-
missioners
and Erie
Gas Co.;

Engineer to
give notice.

Id. § 2.

Engineer to
give grades
of streets in
which it is
proposed to
lay pipe.

Id. § 3.

Streets to be
restored to
former con-
dition.

Id. § 4.

Penalty.

9. That, hereafter, in all streets in which water-pipes or gas mains have been, or shall be laid, no change of grade shall be made in any such streets or sidewalks thereof, without first giving the Water Commissioners and the Erie Gas Company thirty days' notice of the intention of Councils to change the grade of any such streets or sidewalks, in order that the water and gas mains and connections may be lowered by said Commissioners and Gas Company, if necessary; but if said Commissioners and Gas Company shall not deem it necessary to lower any such mains or connections, they shall notify the City Engineer of that fact within one week of the receipt of the original notice of Councils; when the work may proceed immediately. And it shall be the duty of the City Engineer to give the notice required by this ordinance.

10. Whenever the said Water Commissioners or Gas Company desires to lay water or gas pipe in any street in the City of Erie, it shall be the duty of the City Engineer, on application of said Commissioners or Gas Company, to give, within one week after such application, the established grade of any such street or streets, along or across which it is proposed to lay said water or gas pipe.

11. It shall be the duty of the Water Commissioners and Gas Company, their agents, servants, and employes, to leave any street or streets torn up by them, or either of them for any purpose, in as good condition as the same was before being so torn up; and if after refilling any opening by them made in any street the earth shall settle so as to require the same to be done, said Commissioners or Gas Company, as the case may be, immediately bring such street to grade, relaying pavements and sidewalks, if necessary.

12. Violations of the provisions of this ordinance shall subject the offender to a fine of not less than five dollars nor more than fifty dollars, to be collected by action of debt or summary conviction, as said city may elect.

Ord. 102.

13. That hereafter whenever any street in the City of

15. If any person or corporation shall neglect or refuse to comply with the provisions of this ordinance when required so to do by order of Councils, such person or corporation shall forfeit and pay to the City of Erie a penalty of not less than twenty-five nor more than one hundred dollars for each and every such offense, to be collected by action of debt, or summary proceedings, as the city may elect.

Dec. 29, 1883.
Id. § 2.
Penalty.

16. That hereafter, whenever the Councils of the City of Erie are contemplating the paving of any street in which there is a sewer, and gas and water pipes, or either of them, it shall be lawful for Councils to require all parties to put in all house connections with such sewer, or with said gas and water pipes, and extend the same to the inner line of the curb as provided by an ordinance approved December 29th, 1883, and if any party or parties shall neglect or refuse so to do for five days after public notice in the official paper of the city to make such connections, it shall be the duty of the City Engineer to immediately enter into a contract for the construction of such connections, and the costs thereof shall be assessed upon the lots or parcels of land for the accommodation of which such connections may be constructed, and collected as soon as possible for the city or the use of the contractors as the case may be. (a)

Ord. 122.
June 19, 1886.
§ 1. C. 292.
In case of default city to put in the connections and assess the cost.

17. This ordinance shall be considered as supplementary to the one approved December 29th, 1883, providing for sewer, gas and water connections.

Id. § 2.
Supplementary to Ordinance of June 19, 1886.

(a) See Supra 1.

Shade Trees

1. Shade trees placed in charge of Supt. of Streets.
2. Protection of shade trees.
3. Injury from wires, etc.; damages.
4. Setting poles near trees.
5. Laying pipe line near trees; leaking gas pipes; damages.
6. Discretionary power of Supt. of Streets; record.

7. Councils may require the planting of trees; distance apart; location.
8. Lot owners may plant trees.
9. Trimming of trees.
10. Supt. of Streets to enforce notice.
11. Limbs obstructing street lights to be cut.
12. When City Solicitor to take action.
13. Penalty.

1. That from and after the passage of this ordinance, all trees of whatever description upon the streets and public highways of the City of Erie, shall be in the charge and sole keeping of the Superintendent of Streets, who shall enforce such regulations for their care and protection as shall seem to him to be right and proper.

Ord. 2569.
Oct. 2, 1905.
§ 1. J. 141.
Shade trees placed in charge of Supt. of Streets.

2. It shall be unlawful for any person in any way to mutilate or destroy any shade or ornamental tree or shrub which may be planted on any of the streets, lanes, alleys or commons of said City of Erie.

Id. § 2.
Protection of shade trees.

3. It shall be unlawful for any corporation or company, telegraph, telephone, cable, electric light, motor or other company, to mutilate any tree or trees in the City of Erie, and should any tree become mutilated, spoiled or destroyed on account of their wires, pipes, poles and for any other reason

Id. § 3.
Injury from wires, etc.

SHADE TREES.

Oct. 2, 1905

Damages.

traceable to said corporation or its employees, then said corporation shall be liable not only to the penalties of this ordinance, but also to the said City of Erie for civil damages, under the Acts of Assembly, and the City Solicitor is hereby authorized to proceed against the offender.

Id. § 4.

Setting poles
near trees.

4. It shall be unlawful for any person or corporation to set any pole nearer to the nearest tree than seven feet, and due care must be taken in the setting of the same, so as not to destroy any of the branches or roots of the tree.

Id. § 5.

Laying pipe
line near
trees, leak-
ing gas pipes;
damages.

5. It shall be unlawful for any person to lay any pipe line nearer than seven feet to the nearest tree, and due care must be taken in the digging of the ditch and the laying of the pipe so as not to disturb the roots of the tree or in any manner mutilate or destroy the tree, and should it become evident that a leak in a gas pipe is destroying a tree, the offending owner of the same shall immediately remove the pipe and repair all loss and damages at his own expense.

Id. § 6.

Discretion-
ary power of
Supt. of
Streets;
Record.

6. When in the laying of a sidewalk, pavement or curb, it shall appear that an old tree will be harmed, the Superintendent of Streets and the City Engineer shall have discretionary powers to make such changes as they and the property owners affected may mutually agree upon. Said agreement to be made of record in the Council proceedings.

Id. § 7.

Councils may
require the
planting of
trees; dis-
tance apart;
location.

7. That all owners of real estate in the City of Erie, be hereby required to plant shade or ornamental trees in front of their respective properties, and also that all trees be planted at not less than twenty (20) nor more than forty (40) feet apart; said trees to be planted between the outside line of the sidewalk and the curb line, and under the direction of the Superintendent of Streets. Before compelling the planting of trees, a resolution by Councils shall first be passed, stating the location of the proposed trees, their kind, sizes, and the time to be allowed for complying with the said requirements.

10. It shall be the duty of the Superintendent of Streets to see that all such trees shall be cut and trimmed in conformity with this ordinance, and whenever the said Superintendent of Streets shall find any tree planted or growing as aforesaid, and not trimmed as herein required, he shall forthwith give notice to the owner or occupant of the premises whereon, or in front of which the same is growing, to cut and trim said tree as herein required, and if said tree shall not be trimmed within forty-eight (48) hours after said notice shall have been left at the dwelling, or place of residence, of such owner or occupant, or served upon him or her in person, the said Superintendent of Streets shall cause said tree or trees to be trimmed as required by this ordinance, and collect the cost for doing the same from the owners of said premises; and in case they shall neglect or refuse to pay the same, then the penalties of this ordinance shall be inflicted upon such offender, provided that all such notices to owner or occupant be served between the first day of October and the first day of April. (a)

Oct. 2, 1905
Id. § 10.

Supt. of
Streets to
enforce.
Notice.

Id. § 11.

11. The Superintendent of Streets is hereby authorized and directed to cause to be cut, all limbs from trees obstructing city street lights, expense for the same to be charged to "Lighting Streets" fund. Said cutting shall in all cases be made so as not to spoil the appearance of the tree.

Limbs ob-
structing
street lights
to be cut.

12. It shall be the duty of the City Solicitor to take all proper legal action and institute such suits as he may deem necessary on account of the breaking, destroying or cutting of trees along the streets of the city and for the preventing of the same whenever he shall be notified by the Superintendent of Streets that any of said acts are being committed or attempted.

Id. § 12.

When City
Solicitor to
take action.

13. Any person offending against this ordinance, shall upon conviction thereof, pay a fine of not less than five nor more than fifty dollars, or shall be imprisoned not less than five nor more than thirty days in the County Jail or both. Said penalties to be enforced as like penalties are by law enforceable.

Id. § 13.

Penalty.

(a) So amended by Ord. 2624, approved Feb. 2, 1906, J 178.

Signs and Awnings.

1. Suspended signs and awnings prohibited; exception.

2. Signs must be 8 feet high; to be securely fastened.

3. Awnings must be 8 feet high; articles not to be suspended from; how erected.

4. Penalty.

5. Metal frame work for awnings; high signs to be fire proof; width of wooden signs.

6. How electric signs to be erected.

1. That hereafter it shall not be lawful for any person or persons to hang, suspend, place or construct, or cause to be hung, placed or constructed over any street, lane, alley or sidewalk, within the City of Erie, any sign, awning, frame or other projection, except as permitted by the ordinances of the city.

Ord. 126.

Oct. 17, 1894.

§ 1. C. 124.

Suspended
signs and
awnings pro-
hibited; ex-
ception.

SIGNS AND AWNINGS.

Oct. 17, 1884
Id. § 2.

Signs must
be eight feet
high.
To be se-
curely fast-
ened.

Id. § 3.

Awnings
must be
eight feet
high; articles
not to be
suspended
from;
how erected.

Id. § 4.

Penalty.

Ord. 2116.
Apr. 3, 1903.
§ 74. I. 266.

Metal frame
work for
awnings;
high signs to
be fireproof;
width of
wooden
signs.

2. All signs erected parallel with the front of the building where placed, shall be securely fastened to the same, and not permitted to project over the street any distance whatsoever. Signs otherwise erected, shall be securely fastened, and may extend over the walk not exceeding three feet, and at a height above the sidewalk of not less than eight feet.

3. Awnings supported by an iron frame work, securely attached to the building in front of which said awning shall be constructed or suspended, every part of which frame work shall be at least eight feet above the sidewalk may be constructed, to project over the sidewalk not to exceed eight feet on streets one hundred feet in width, and one-half the breadth of the sidewalk on all other streets; but it shall not be lawful to attach curtains to such frame work extending as far below such frame as to be less than eight feet above the sidewalk, nor shall any articles of any kind whatsoever be attached to or suspended from said awning frames, for exhibition or other purpose.

4. Any person violating any of the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than five dollars nor more than one hundred dollars for each and every offense; such penalty to be recovered by action of debt, or by summary process at the election of said city, and if any judgment recovered therefor together with the costs, be not paid forthwith, the defendant or defendants shall be committed to the county jail for thirty days, or until such judgment and costs be paid, if not paid within that time.

5. Where awnings are attached to buildings the frame work shall be of metal. All signs placed on any building above the sills of the third story windows shall be made of incombustible materials. No wooden signs shall be more than two (2) feet in width. (a)

6. That from and after the passage of this ordinance, all signs illuminated by electricity, intended to project from any

Ord. 2179.

Snow Removal From Sidewalks.

1. Snow to be removed from sidewalks; duties of occupants and agents.
2. Penalty.

1. That from and after the passage of this Ordinance, ^{Ord. 2145, Mar. 18, 1909, § 1. I. 245.} it shall be the duty of the occupant or occupants of any dwelling, tenement, store, store-house, stable, shop, manufactory, ^{Snow to be removed from sidewalks;} or other building fronting on any paved or unpaved sidewalk in any public street or around the Public Square in the City of Erie, and of the person or persons having the charge or care of any church, school-house or any public building situate as aforesaid, to remove or cause to be removed, all snow, ice or sleet from the sidewalk, whether paved or unpaved, in front of and around their respective premises immediately after the same shall have ceased to fall or be formed thereon. When a building has two or more occupants, the duty of cleaning the sidewalk or sidewalks, as aforesaid, shall devolve upon the occupant or occupants of the first or ground floor; and if said ground floor occupants number two or more, each such occupant shall clean the sidewalk immediately in front of his, ^{Duty of owners, occupants and agents.} her, or their respective portions of the building, together with one-half of the space, if any, intervening between said portion and that of the next adjoining occupant. Occupants of corner buildings shall clean the sidewalks in front thereof, and also on the sides for the distance back from the corner their occupancy may extend. Sidewalks in front of and at the sides of vacant lots, or vacant buildings, shall be cleaned as aforesaid, by the owner or owners of such vacant lots or buildings; and when the owner in any such case is a non-resident, it shall be the duty of the agent of such owner to remove the snow, ice or sleet, as aforesaid. In all cases, the snow, ice or sleet shall, when so removed, be thrown toward the outside of the sidewalk and into the roadway.

2. Any person or persons offending against or failing to ^{Id. § 2. Penalty.} comply with the provisions, regulations or requirements of the First Section of this Ordinance shall, upon conviction thereof before the Mayor, or acting Mayor, or any Alderman of the said City of Erie, be sentenced to pay the costs of prosecution and to forfeit and pay a fine not exceeding one hundred dollars for the use of the said City of Erie; and in default of the payment of the costs and fine so imposed, the person or persons so convicted, as aforesaid, shall be committed to and imprisoned in the common jail of the County of Erie, Pennsylvania, for a period not exceeding thirty days.

Street Car Fenders and Speed

- | | |
|--|--|
| 1. Fenders required on Electric Cars. | 5. Speed not to exceed 10 miles an hour. |
| 2. Penalty. | 6. Penalty. |
| 3. Guards required in front of wheels. | |
| 4. Penalty. | |

Ord. 2197,
July 17, 1902.
§ 1, I. 293.

Fenders re-
quired on
electric cars.

Id. § 2.

Penalty.

1. That from and after the period of ninety days from the date of the final passage of this ordinance, it shall not be lawful to operate an electric car in the City of Erie unless the same be properly equipped with first-class fenders or life guards. (a)

2. If any person, firm, company or corporation shall violate any provision of this ordinance, such person, firm, company or corporation shall forfeit and pay to the City of Erie a penalty of One Hundred Dollars for each and every offense to be collected by summary proceedings or action of debt as said City may elect.

Ord. 571,
Dec. 10, 1890.
§ 1, E. 54.

Guards re-
quired in
front of
wheels.

Id. § 2.

Penalty.

3. That from and after the passage of this ordinance, it shall be the duty of every person, partnership, company or corporation owning or operating any street car line in the City of Erie, the motive power of which is electricity, to cause to be attached to each of said cars operated on their line, a guard in front of the wheels thereof, said guard to extend from the truck of said car to within three inches of the track upon which said car runs.

4. That any person, partnership, company or corporation violating the provisions of this ordinance shall be subject to a penalty of not less than five dollars and not more than twenty dollars for each offense.

Ord. 685,
Oct. 9, 1891.
§ 1, E. 159.

Speed not to
exceed 10
miles an
hour.

Id. § 2.

5. That from and after the passage of this ordinance, it shall not be lawful for any company, corporation or person to run street cars on the streets of the City of Erie, at a higher rate of speed than ten (10) miles per hour.

6. That any person, company or corporation violating the provisions of this ordinance, shall be subject to a fine of not

19. Penalty.
20. Alignment.
21. Width of walks.
22. Trespassing on grass borders.
23. Enforcement.
24. Penalty.
25. Width of sidewalks.
26. Certain sidewalks to be paved full width; other sidewalks to be paved half width; proviso; curbing; grass border.
27. Sidewalks for corner lots; in front of alleys; duties of property owners; how changes may be made; plank walks may be laid in the rural districts; how laid.
28. Setting grade; penalty for interfering with grade stakes; property owners to pay for resetting grades in certain cases.
29. Must conform to grade; duty of City Engineer and Sidewalk Committee; penalty; city's option as to penalty.
30. Porches, doorsteps, bulk windows, etc., not to project onto the sidewalk; exceptions as to vested rights; provision for business purposes.
31. Cellar entrances from sidewalks.
32. Areas in front of business houses; side stairways on sidewalk; railings outside of open stairways.
33. Penalty.
34. Obstructions on sidewalks; driving over; bicycle racks permitted; public alleys must not be obstructed; proviso.
35. Space allowed to display goods.
36. Unloading merchandise on sidewalks.
37. Coal and wood on sidewalks.
38. Refuse receptacles on sidewalks.
39. Building material on sidewalks.
40. Depositing material for paving sidewalks.
41. Penalty; how recovered; acts in violation to be nuisances; removal of ashes from sidewalks.
42. Show cases on sidewalks.
43. Horses, carriages, etc., not to be washed on sidewalk, waste water not to flow over sidewalk; penalty.
44. Salt not to be thrown on sidewalk; penalty.

POWERS OF SUPERINTENDENT.

1. That hereafter, whenever in the judgment of the Superintendent of Streets of the City of Erie, it shall become necessary to construct sidewalks or footways, or reconstruct or repair any sidewalk or footway in front of or adjoining any lot or lots or other quantity of land abutting any of the streets of said City, the said Superintendent of Streets shall give notice in writing to the owner or owners of any such lot or piece of ground, or to their duly authorized agent in charge of the same, to construct, reconstruct or repair such sidewalk or footway, and the time within which the same shall be commenced and finished; said notice shall designate the kind of material to be used in such construction, reconstruction and repair as is required by the ordinance of the City; if the said owner or owners, or agent, reside in the City of Erie, the notice as herein required shall be served on said owner, owners or agent, not less than ten days prior to the date fixed for the commencement of said work, and if not so resident in the City of Erie, then said notice shall be given by registered letter, postpaid, directed to the nearest known post office, to said owner, owners or agent; said letter to be deposited in the post office at Erie not less than fifteen days prior to the time fixed for the commencement of said work.

Ord. 2478,
Feb. 16, 1906.
§ 1, J. 62.
Street Superintendent authorized to order construction or repair of sidewalks;

notice;

how served.

2. That upon the request of the Superintendent of Streets, the City Engineer shall fix the proper grade, and give stakes for the same, whenever any sidewalk or footway is to be constructed or reconstructed, said grade to be fixed before the time for the commencement of said work.

Id. § 2.
Fixing grade

3. Whenever any owner or owners or agent shall, after notice given as provided in Section 1 of this ordinance, neglect or refuse to commence the work of said construction, reconstruction or repair, or having commenced the same, shall neglect or refuse to complete the same within the time fixed, it shall be the duty of the Superintendent of Streets to cause said work to be done at the expense of the owner or owners

Id. § 3.
In case of default, Superintendent to construct.

Feb. 18, 1903
Collection of cost. of the property; the amount of the cost of said work shall be certified to the City Solicitor, who shall proceed to collect the same in accordance with the provisions of the law governing the same.

Id. § 4.
Superintendent's authority may be limited by Councils. of Councils. (a) 4. It is hereby provided, that the authority herein delegated to the Superintendent of Streets, may be limited or curtailed as to any particular sidewalk or footway by resolution of Councils. (a)

Ord. 263.
July 20, 1887.
§ 1. D. 32.
Sidewalks shall be built and maintained by the abutting property owners. 5. That on every street which now is or hereafter shall be laid out, opened and dedicated to the public use in the City of Erie, it shall be the duty of the several owners of the lots or parcels of land abutting thereon and they are hereby enjoined and required, at their own expense, to construct and maintain convenient sidewalks or footways in front of and adjoining their said respective lots or parcels of land, and the same to pave and keep in good and safe condition for the use of foot passengers.

Id. § 2.
Upon the order of the Superintendent. 6. Said sidewalks shall be constructed in such manner and of such materials as now required by the ordinances of the City of Erie; and the owner or owners of the respective pieces of land in front of which a sidewalk is hereby required to be constructed, shall commence the same, if residents of Erie, or personally served with such notice, within ten days of the service of such notice by the Superintendent of Sidewalks, and complete said sidewalks within twenty days of such service of notice. (b)

Notice; how to be served. If such owner be a non-resident, and be not personally served, notice shall be sent to him by mail, by the Superintendent of Sidewalks, addressed to his or her last known place of residence, requiring said party to commence such walk within fifteen days of the date of mailing, and to complete within twenty-five days thereafter. (c)

Id. § 3.
Repairs 7. If any sidewalk or footway now constructed, or that may hereafter be constructed under the provisions of this ordinance, now is, or shall hereafter become out of repair, it

owner shall have been required to build; *provided*, such penalty shall not exceed one hundred dollars. (a) July 20, 1887

9. If any judgment rendered for any penalties under this ordinance be not immediately paid, with costs, the defendant or defendants may be imprisoned in the county jail or put to hard labor on the streets of the City of Erie or elsewhere; *provided*, such imprisonment or labor shall not exceed thirty days. Id. § 5.
Hard labor.
Imprisonment.

SIDEWALK BUILDERS TO BE LICENSED.

10. That from and after the approval of this ordinance, any and all persons engaged in the business of laying for another person a sidewalk on any of the streets of the City of Erie, shall first obtain from the Superintendent of Streets and Sidewalks a Sidewalk Builders' License, which shall continue until the first Monday in April thereafter, when it shall be renewed for a period of one year, at which time it shall expire unless sooner revoked; *provided*, however, that nothing herein contained shall be so construed as to prevent owners of property from personally laying a sidewalk in front of their own property, *provided* they shall first obtain a permit from the Superintendent of Streets. The applicant for said license shall, before receiving the same, present to the Superintendent of Streets, etc., a bond approved as hereinafter Ord. 2873,
July 22, 1904,
§ 1, J. 15.
Sidewalk
builders' li-
cense.
provided, in the sum of two hundred dollars, payable to the City of Erie, and conditioned for the correct building of every sidewalk under his charge, in strict accordance with the provisions of the law, the ordinances and regulations of said City and its officers, in relation to the building of sidewalks. No fee shall be charged for said license. The bonds herein provided for shall be approved by the Mayor, and filed in the office of the City Controller. Bond.

11. It shall be the duty of the Superintendent of Streets, etc., to keep an accurate record of the issuing of said licenses and also to have the provisions of this ordinance enforced against all violators hereof. Id. § 2.
Record of li-
cense en-
forcement.

12. That any person violating the provisions hereof shall forfeit and pay to the City of Erie a fine of not less than five nor more than twenty-five dollars for each offense, to be recovered as other fines are now by law recoverable, and in default thereof, such person shall be committed in the County Jail for a period of not more than thirty days. Id. § 2.
Penalty.

KIND OF MATERIAL FOR CONSTRUCTION.

13. That from and after the passage of this ordinance, all new sidewalks on all streets or parts of streets in the City of Erie, the roadways of which are curbed or paved or which shall hereafter be curbed or paved, prior to the date of notice for the construction of such sidewalks, shall be constructed of Portland cement concrete, which shall be made and laid in accordance with the latest standard formula for work of that class, and with a foundation of cinders, slag, or such other material as the character of the soil and drainage may render necessary. Ord. 2634,
Aug. 7, 1905,
§ 1, J. 121.
Concrete
walks for
curbed and
paved
streets.

(a) See Supra 3.

Aug. 7, 1905
Id. § 2.
Enforce-
ment of Or-
dinance.

Id. § 3.
Penalty.

Ord. 159,
Sept. 9, 1885.
§ 1. C. 229.

Concrete
may be sub-
stituted for
brick.

Ord. 192.
June 19, 1886.
§ 1. C. 290.

Gravel side-
walks may
be required.
Id. § 2.

Grade and
width.
Id. § 3.
Penalty.

Ord. 2396.
Jan. 12, 1905
§ 2. J. 55
Alignment

14. That it shall be the duty of the Superintendent of Streets, to enforce the provisions of this ordinance, and promptly report to the Mayor any infraction thereof.

15. Any person who shall violate any of the provisions of this ordinance, shall, upon the conviction thereof before the Mayor, or any magistrate duly authorized, be sentenced to pay the costs of prosecution, and to forfeit and pay a fine of not less than Ten, nor more than Twenty-five Dollars for every such offense, and in default of the payment of the costs and fine so imposed, the person or persons so convicted shall be imprisoned for a period not exceeding thirty days.

16. That on all streets where brick sidewalks are now required, it shall be lawful for property owners, if they so desire, to construct concrete sidewalks, made of Portland cement, cut in blocks.

17. That hereafter it shall be lawful for the Councils of the City of Erie to require parties to make gravel walks in addition to those now provided for by the city ordinances.

18. All such walks, as to grade and width, shall be constructed as plank walks are now required to be built. (a)

19. Any person or persons neglecting or refusing to construct within the time required any gravel, brick, * * * or other kind of walk, when duly notified by Councils so to do, shall forfeit and pay unto the City of Erie a penalty of two dollars for each and every lineal foot of walk that such party shall neglect or refuse to make, to be collected as debts of like amount are by law collectible; *provided*, that no penalty shall exceed one hundred dollars.

20. All new sidewalks laid and all old sidewalks relaid under the provisions of this ordinance shall be laid at the proper distance from the property line as specified in special or general ordinances in force, and when any part of the walk on one side of a city block has been properly laid to line in accordance with the provisions of this ordinance, it shall be illegal to authorize the laying of any part of the balance of

23. That it shall be the duty of the Superintendent of Streets to enforce the provisions of this ordinance and promptly report to the Mayor any infraction thereof.

Jan. 12, 1905
Ibid Sec. 6
Enforcement

24. Any person who shall violate any of the provisions of this ordinance, shall, upon conviction thereof before the Mayor, or any magistrate duly authorized, be sentenced to pay the costs of prosecution, and to forfeit and pay a fine of not less than Ten, nor more than Twenty-five Dollars for every such offense, and in default of the payment of the costs and fine so imposed, the person or persons so convicted, shall be imprisoned for a period not exceeding thirty days.

Ibid § 7.
Penalty.

WIDTH OF SIDEWALKS.

July 12, 1890.
§ 2. A. 542.

25. Sidewalks shall be of the following widths, including the curb, to wit: On State Street, eighteen feet wide; on the north and south sides of the public square or parks, in the first section of the city, adjoining the lots abutting thereon, twenty-two feet wide; on the east and west sides of said square adjoining the lots abutting on the streets forming, respectively, the east and west boundaries of said square, sixteen feet wide; on East and West Sixth Street, fourteen feet wide, with lawns between the same and the carriage-way, as provided by Act of Assembly; on Tenth Street, throughout its entire length, ten feet wide, with a lawn twenty feet wide between the same and the carriage-way, as provided by Act of Assembly; on all other streets one hundred feet in width, sixteen feet wide; * * * and on all streets less than sixty feet in width, eight feet wide. * * * The foregoing provision shall not apply to Peach Street, south of Twelfth Street, nor to Turnpike Street. (a)

Width of
sidewalks.

(a) Ordinance 1733, approved June 1, 1900, H. 324, (for which see title "Streets," par 30), fixes the width of the carriageway of each 60 foot street not otherwise established by ordinance at 30 feet, therefore, on each side of every 60 foot street, or part thereof, not otherwise fixed, the combined width of the sidewalk and lawn, is presumed to be, 15 feet.

SPECIAL WIDTH OF SIDEWALKS AND LAWNS.

The widths of sidewalks and lawns on the following named streets have been fixed independently of this ordinance, and are as stated below. The number preceding the name of the street corresponds with the paragraph number, under title "Streets," in which the ordinance fixing the width may be found. The figures after the words "Sidewalk and Lawn," are the width in feet.

It will be observed that in some cases the ordinance merely fixes the width of the roadway and is silent as to the width of the sidewalk and lawn. In cases of this kind the remainder of the width of the street is here inferred to

be sidewalk and lawn.

The first item is described in detail, in order to facilitate a clear understanding of those that follow, viz:

Paragraph No. 48, 49, title "Streets." Fourth street from Sassafras street to Walnut street, sidewalk fixed at 9 feet in width, and lawn fixed at 6½ feet, including the curb.

50. Fourth street, Walnut to Cranberry, sidewalk and lawn combined 15 1-2 ft.

51. Fifth street from French street to Holland street, width of sidewalk and lawn combined, fixed at 16 feet.

52. Fifth street, Sassafras to Cranberry street, lawn and sidewalk combined, 17 feet.

54, 55. Park Avenue North, north side, sidewalk 15 ft., lawn 10 ft.

60, 61. Park Avenue South, south side, sidewalk 15 ft., lawn 10 ft.

66. Seventh street, Peach to Sassafras street, sidewalk and lawn combined, 16 1-2 ft.

65. Seventh street, French to Wallace street, sidewalk and lawn combined, 16 ft.

68. Seventh street from Sassafras

July 13, 1880.
§ 4, A. 642.

Certain side-
walks to be
paved full
width;

Other side-
walks to be
paved half
width;

proviso.

26. That for the purpose of securing the greatest practicable uniformity in the manner of paving sidewalks, the following regulations are established, to wit: On Holland, French, Sassafras and Myrtle Streets, from Second to Twelfth Street; and on Peach Street from Second to Twenty-sixth Street; on Fourth, Fifth, Seventh, Eighth, Ninth and Twelfth Streets, from Holland to Myrtle Street, and on Eleventh Street from Myrtle to Parade Street; on East and West Sixth Street, and on Tenth Street, throughout their entire length; on Parade Street from Sixth to Eighteenth Street, and on Turnpike Street,—pavements shall be laid uniformly the full width of the sidewalks, as the same are established by the laws and the ordinances of the city. On streets or parts of streets, not above designated or included within the limits above described, the pavements shall be uniformly one-half the established width of the sidewalks, and shall be laid in the center thereof, with a grass border on either side one-fourth the width of the sidewalk; *provided*, that in front of doorways or entrances to dwelling-houses, and in front of buildings occupied for business purposes, the pavement may be made the full width of the sidewalk. In front of carriageways leading to yards or stables, and in front of public or private alleys, the sidewalks shall be paved their full width, with flag-stones or hard paving brick laid on their narrowest edges. All pavements referred to in this section of this ordinance, shall be made of flag-stones, such as provided in the foregoing section as to State Street, or of good paving brick (a) laid on

(a) So far as this Section relates to material for sidewalks on streets, curbed

or paved, it is repealed by Ord. 2534, Supra 13.

street to Cranberry street, sidewalks, 10 ft., lawns 7 ft.

73. Ninth street, from French street to Parade street, sidewalk and lawn combined 16 ft.

74, 75. Ninth street, from Peach

100. Twelfth street, south side, between Sassafras and Cranberry street, 12 ft. on north side, sidewalk and lawn combined, between Peach and Cranberry street 16 ft., except between Chestnut and Walnut streets, which is

at least eight inches of good sand with an inclination towards the curb of one inch in every three feet. Said pavements shall be provided with suitable curbing of stone, or of brick laid on their narrowest edges, all set to the established grade, and at a uniform distance from the line of the lots. The space appropriated for the grass borders, as aforesaid, shall be neatly sodded on a level with the sidewalk grade, with the same inclination towards the curb as the pavement; said grass borders to be made, trimmed and kept in good order at the expense of the property-owner or owners, the same as in case of pavements; *provided*, that when premises are occupied by a tenant or tenants, it shall be the duty of such tenant or tenants to trim said grass borders and keep them in order in front of said premises.

July 13, 1880

Curbing.

Grass borders.

168. Twenty-first street, Peach to Chestnut street, sidewalk and lawn combined 16 ft.

190. 25th street, Parade street to east line of city, sidewalk and lawn combined, 12 ft.

198. 26th street, State to Peach street, north side, sidewalk and lawn combined 21 ft., south side 31 ft.

198. Notes—26th street, Peach to Sassafras street, north side, sidewalk and lawn combined 15 ft. on each side, between Sassafras and Myrtle streets, 15 ft., between Myrtle and Chestnut streets 13 ft.

233. East Avenue, from the lake to 12th street, sidewalks 10 ft., lawns 15 ft.

234. East Avenue, from 12th to Commercial street, sidewalks 6 ft., lawns 6 ft. outside and 4 ft. inside of sidewalks.

241. Saltsman street, 21st street to Buffalo road, sidewalks 6 ft., lawns 5 ft.

257. Ash street, from 3rd to 6th streets, sidewalks 6 ft., lawns 3 ft. inside and 8 ft. outside of sidewalks.

266. Ash street, 18th to 28th street, sidewalks 12 ft.

270. Wallace street, 8th to 15th street, sidewalk and lawn combined, 16 ft.

275. Parade street, Front to 5th street, sidewalk and lawn combined, 32 ft.

282. Parade street lawn extended to north curb of 6th street.

285. And note, Parade street from 26th to 28th street, sidewalks 6 ft., with lawn 3 ft. inside and 7 ft. outside the sidewalks, from 18th to 26th street sidewalk and lawn combined, 26 ft.

287. Pine avenue (formerly Wattsburg road) sidewalks 8 ft.

291. French road, 28th street to south line of city, sidewalk 8 ft.

292. And note, German street, 4th to 8th street, sidewalk and lawn combined, 16 ft.

293. German street, 8th to 18th street, sidewalk and lawn combined 16 ft.

297. Holland street, Front to Second

streets, sidewalks and lawn combined, 16 ft.

298. And note, Holland street, 2nd to 6th street, sidewalk and lawn combined, 15 ft., from 6th to 8th street, 16 ft.

302. French street, from North Park Place to Front street, sidewalks 12 ft.

303. French street, from 18th to 26th street, sidewalk and lawn combined, 14 ft.

307. Peach street south of Twenty-sixth street, sidewalk 12.

308. Peach street from Eighteenth street to Twenty-sixth street, sidewalk 9.

309. Sassafras street from Fifth street to Short street, sidewalk 10 ft., lawn 6 ft.

311. Sassafras street from Fifth street to Eighth street, sidewalk and lawn 16 ft.

313. Myrtle street, 2nd to 4th street, sidewalk and lawn combined, 15 ft.

312, 314. Myrtle street, 4th to 5th street, sidewalk 9 ft., lawn 6½ ft.

312. Myrtle street, 5th to 12th street, sidewalk 9 ft., lawn 6 ft.

315. Myrtle street, 16th to 18th street, sidewalk and lawn combined, 16 ft.

317. And note, Myrtle street, 18th to 23rd street, sidewalk and lawn combined, 16 ft., from 23rd to 29th street, 14 ft., from 29th to Peach street, 15 ft.

322. Sigsby street, 26th to 29th street, sidewalk 6 ft., with lawns 3 ft. inside and 8 ft. outside the sidewalks.

328 and Note. Poplar street, 7th to 8th street, sidewalk and lawn combined, 16 ft. (The roadway from 6th street to Park avenue north is 35 ft.)

329. Poplar street from 11th to 12th street, sidewalk and lawn combined, 16 ft.

330. Liberty street from Front to 26th street, sidewalk 10 ft., with a lawn 2 ft. inside and 10 ft. outside the sidewalks, and a lawn 16 ft. wide in the center of the street.

331. (Note) The width of the roadway of Plum street at Cascade Park is 35 ft.

July 12, 1890.
S. A. 544.

Sidewalks
for corner
lots.

In front of
alleys.

Duties of
property
owners.

How chang-
es may be
made.

Plank walks
may be laid
in the rural
districts;
how laid.

27. That the owners of corner lots shall extend their respective sidewalks and pavements, where the same intersect at the corners of streets, so that they shall fully meet and form a continuous walk or pavement around their said respective corners. Pavements in front of public or private alleys shall be made and maintained by the property-owners for whose use and benefit they were opened, or are kept open, who shall also be responsible for their being kept clean and in good order. It shall be the duty of all property owners, their agents, and persons employed to construct sidewalks and pavements, to conform strictly to the regulations and requirements of this ordinance. If, in any case, a change in said regulations and requirements should be desired by a majority of the property-owners on any street or part of a street not less than one block in length, they shall set forth the particular change or modification desired in a petition to Councils, and shall abide by the action of said Councils relative thereto. (a) In the remote or unimproved parts of the city, the Councils may, by resolution, authorize and direct plank walks or footways to be constructed in lieu of brick pavements; said plank to be not less than two inches thick, and laid cross-wise on sound sawed stringers not less than four by five inches thick, the plank to be well spiked to the stringers, and the stringers sustained at the ends by a stone or timber foundation sufficient to keep the respective meeting ends of the stringers of an equal height with each other. Said plank walks shall be of the uniform width prescribed for brick pavements on the same street or part of street, and shall be subject to the provisions herein contained respecting other kinds of pavements, so far as the same can be applicable to plank walks. * * * *

CONSTRUCTION.

Id. § 6.

28. Before laying pavements, it shall be the duty of all property-owners to make application to the City Engineer

the use of said city, a fine of five dollars for each and every such offense. When a grade is required to be reset, in consequence of any fault or delay on part of the property-owner in constructing a sidewalk, or laying a pavement, the expense of such resetting of the grade shall be paid by said property-owner. (a)

July 13, 1890.

Property owners to pay for resetting grades in certain cases

29. That it shall be the duty of all property-owners, as aforesaid, in the construction of sidewalks and pavements, and in the relaying of pavements, to conform strictly to the grades thereof as now established, or as they shall from time to time be established, and in all other respects to observe the regulations and requirements of this ordinance; and it shall be the duty of the City Engineer to report to the Sidewalk Committees of Councils any deviations on the part of said property-owners, from the requirements of this ordinance, as to grades or otherwise; and said committees shall take such action upon said reports as may seem to them proper, with a view to the proper enforcement of this ordinance; and they shall keep a record of their proceedings relative to such matters. If any property-owner, his or her agent, shall disregard the provisions of this ordinance as to laying pavements to the established grade, or as to the width of pavements, or as to the kind of materials to be used, such property-owner, his or her agent, although complying with this ordinance in other particulars, shall forfeit and pay a penalty, for use of said city, of not less than five, nor more than twenty-five dollars, and shall be required to forthwith alter or change said pavement so as to be in conformity with this ordinance, under a further penalty of twenty-five dollars for neglect or refusal to make such change within thirty days after suit shall have been brought to recover the penalty first above named; *provided*, that in such cases it shall be optional with the city, in lieu of the above penalty or penalties, to enforce the penalty imposed by the seventh section hereof.

Id. § 9. A. 545.

Must conform to grade.

Duty of City Engineer and Sidewalk Committee.

Penalty.

City's option as to penalty

USE OF SIDEWALKS.

30. That hereafter it shall not be lawful for the owner or owners, occupier or occupiers, of any dwelling house, store, or other structure, in the City of Erie, to permit any porch, portico, door-step, bulk or jut windows attached to such dwelling house, store, or other structure, to project beyond the line (b) of the sidewalk fronting the same, or to occupy any portion of such sidewalk; *provided*, that such door-steps and porches as may have heretofore been built, in whole or in part, upon the sidewalk, in accordance with the provisions of any ordinance in such cases made and provided, may remain until such time as the building or buildings, to which same may be attached, shall be removed; and *provided* further

Oct. 23, 1879. § 1. A. 521.

Porches, doorsteps, bulk windows, etc., not to project onto the sidewalk.

Exceptions as to vested rights.

Provision for business purposes.

(a) Sec. 7 of this ordinance provides a penalty of two dollars per foot lineal of walk for failure to construct, and one dollar per foot lineal for failure to repair a sidewalk when duly notified so to do.

Sec. 8 authorizes the Street Superintendent to construct sidewalks, where property owners fail to construct, and to cause a lien to be filed for the cost thereof.

(b) See title "Buildings," par. 29, 33, ante.

Oct. 23, 1879. *ther*, that in the case of buildings used, or designed to be used, for business purposes, it shall be lawful to place immediately in front thereof a single step-stone or platform of flagging rising not more than seven inches above the grade of the sidewalk, and not extending more than five feet from the front line of the building, on streets one hundred feet wide, and not more than four feet on streets less than one hundred feet wide.

Id. § 2
Cellar en-
trances
from side-
walks.

31. That hereafter no part of a sidewalk shall be occupied or used for the purpose of making an entrance to the cellar or basement of a dwelling house; but in the case of a building used, or designed to be used, for business purposes, it shall be lawful to make an entrance to the cellar or basement thereof from the sidewalk fronting such building; *provided*, the same shall not extend more than five feet from the front line of the building, on a street one hundred feet wide, nor occupy more than twenty-five superficial feet of the sidewalk. On streets less than one hundred feet in width, such entrances shall not extend more than four feet from the front line of the building, nor occupy more than twenty superficial feet of the sidewalk. Such entrance shall be protected by wooden or grated iron doors, which, when closed, shall be even with the grade of the sidewalk adjacent thereto, and which shall be kept closed at all times, except when such entrance may be in actual use for the purpose designed. The foregoing provisions shall not be understood as applying to entrances to cellars or basements by means of areas on the sides of buildings, for which provision is made in the following section of this ordinance.

Id. § 2. A. 522.
Areas in
front of bus-
iness houses

32. That it shall be lawful to use not exceeding five feet in width of the sidewalk on streets one hundred feet wide, and not exceeding four feet in width on streets less than one hundred feet wide, for the purpose of constructing an area across the principal front of any building used, or designed to be used, for business purposes (*a*); *provided*, that such areas

building in like manner as the front area, as hereinbefore described, and that no stairway shall be made in such side area, leading to the cellar or basement, or over the same, leading to the second story of the building, so that the first step thereof from the sidewalk shall be nearer than five feet to the said front corner of the building. The outer wall of such side area shall be provided with a stone coping not less than twelve inches wide, well laid and secured, on which shall be placed a substantial iron railing, the front end of said railing not to be nearer than five feet to said front corner of the building, or the line of the street corresponding thereto; *provided*, that if so preferred, in lieu of said coping and railing said side area may be covered as hereinbefore stipulated as to front areas.

Oct. 23, 1879.

Side stairways on sidewalk.

Railings outside of open stairways.

33. That if the owner or owners, occupier or occupiers, of any dwelling house, store, or other structure in said city, shall violate any regulation or provision of this ordinance, he, she, or they so offending shall forfeit and pay a fine of not less than ten nor more than fifty dollars, and a further fine of five dollars for each and every day the offense shall continue after suit for the recovery of said fine shall have been instituted; said fine or fines to be recovered as other fines are now by law recoverable.

Id. § 4. A. 532.

Penalty.

34. No person or persons shall place or suffer to be placed upon the sidewalk in front of his, her or their premises, any bales, boxes, barrels, hogsheads, crates, lumber, coal, wood, ashes, or any article or thing whatsoever that may obstruct such walk; Provided, however, that Bicycle Racks may be placed and maintained on the outer edges of the sidewalks; provided such racks shall not be less than twenty-eight nor more than thirty-eight inches in height, and shall not exceed three feet in width, and all such racks shall contain no advertising matter other than the names of the owners. (a) Nor shall any person or persons drive upon or occupy any part of a sidewalk, with any wagon, cart, dray, sleigh, sled, or other vehicle, for the purpose of loading or unloading goods, wares, merchandise, or other purpose, or allow a horse or team to stand upon such walk. And no person or persons shall place, or allow to be placed in or upon any public alley in said city, any wagon, cart, or obstruction of any kind that will prevent the free use of such alley, under the penalty hereinafter prescribed for each such offense; *provided*, that the use of the following privileges shall not be deemed as prohibited by this ordinance, to wit:

Dec. 2, 1879.

§ 2. A. 533.

Obstructions on sidewalks Driving over

Bicycle racks permitted.

Public alleys must not be obstructed.

Proviso.

35. The owners or occupiers of stores, shops and manufacturing factories shall be allowed to use not exceeding four feet in width of the sidewalk immediately in front of or adjoining their respective stores, shops and manufactories, on streets one hundred feet wide, and not exceeding three feet in width on streets less than one hundred feet wide, for exposing to view the goods, wares and manufactures which they severally keep for sale; but no such article shall be

Id. § 2. Cl. 1.

Space allowed to display goods.

SIDEWALKS.

Dec. 2, 1879. placed at a height exceeding three and a half feet, unless so close to the store or shop to which it belongs, as not to obstruct the view of any other store or shop, or otherwise incommode or injure any other individual.

Id. Cl. 2. A.
629.
Unloading
merchandise
on side-
walks. 36. The reasonable use of sidewalks shall be permitted for the purpose of loading and unloading goods, wares, merchandise, etc., and in transferring the same to and from stores, houses, shops, etc., the prohibition aforesaid as to occupancy or obstruction of said walks with wagons, carts, teams, etc., being duly observed.

Id. Cl. 3.
Coal and
wood on
sidewalks. 37. The dumping of coal on the outer edge of a sidewalk in front of a building to which same is to be transferred, shall be allowable, provided such coal shall be removed within six working hours. Firewood, for the purpose of having it sawed, may be placed on the outer edge of a sidewalk, not occupying more than four feet in width along said sidewalk, provided the same be removed, with all sawdust and other refuse from the wood, within the period of five days from the time first so placed on said walk. But it shall not be lawful to split or chop firewood on any paved sidewalk or paved street. (a)

Id. Cl. 4.
Refuse
receptacles on
sidewalk. 38. Ashes and sweepings from stores, shops and other buildings, may be deposited in boxes or other suitable receptacles, placed on the outer edge of the sidewalk immediately in front of the said stores, shops or other buildings, respectively, provided the same be removed therefrom the same day and taken to some suitable place for depositing such refuse.

Id. Cl. 5.
Building
material on
sidewalks. 39. Sidewalks immediately in front of premises whereon any building or buildings shall be in actual course of erection or repairs, under a permit for such purpose duly granted by the Mayor (b) may be used to such extent as may be necessary in excavating cellars, and in conveying building materials to such building or buildings.

Id. Cl. 6.
Depositing 40. Paving brick or other materials for the paving of sidewalks, may be deposited immediately in front of any side-

covered as other penalties are now by law recoverable. All acts done in violation of the provisions of this ordinance are hereby declared to be nuisances, and the Mayor of said city is hereby authorized and empowered, upon the complaint of any citizen aggrieved thereby, or upon information of any of the police officers, to direct the immediate abatement of any nuisance, as aforesaid, at the cost and charge of the person or persons causing or maintaining such nuisance, the same to be recovered in addition to the penalty, in the manner aforesaid. In all cases where ashes shall be deposited upon any street or sidewalk, in violation of this ordinance, the superintendent of streets and sidewalks is hereby authorized and empowered to remove the same at the cost of the person or persons so depositing said ashes, said cost to be recovered in addition to the penalty, in the manner aforesaid. It shall be the duty of the police of said city to enforce the provisions of this ordinance, but so as not to interfere with any action already taken by the Board of Health, or of the Health Officer, or of the Superintendent of Streets and Sidewalks.

Dec. 2, 1879
How recovered.

Acts in violation to be nuisances.

Abatement.

Removal of ashes from sidewalks.

42. That from and after the passage of this ordinance, show cases, not exceeding seven feet in height may be placed and maintained on the sidewalks of such streets in the City of Erie as are 60 feet or upwards in width, provided such cases shall not extend outwardly more than three feet from the building line.

Ord. 2226,
Aug. 26, 1903.
§ 1. I. 309.

Show cases on sidewalks.

43. If any person or persons, firm or association shall or do, after the passage of this ordinance, clean or wash any horse or other animal, or any carriage or wagon on any sidewalk in said city, or permit any person or persons in his or their employ to do so, or permit the washing or water from any such cleaning to run upon any sidewalk therein, the person or persons so offending shall forfeit and pay a fine of five dollars for each and every commission of said offense, which offense is hereby declared a nuisance.

Nov. 9, 1863.
§ 4. A. 159.

Horses, carriages, etc., not to be washed on sidewalk; waste water not to flow over sidewalk; penalty.

44. It shall not be lawful for any person or persons in the City of Erie, to sprinkle or throw salt or brine on the sidewalks, or on the steps of any public building, in said city for any purpose whatever, under the penalty of five dollars for each and every offense.

Dec. 8, 1864.
§ 4. A. 172.

Salt not to be thrown on sidewalk; penalty.

Streets.

[See "Sidewalks," "Sewer, Gas and Water Connections," "Buildings," "Signs and Awnings," "Fast Driving" and "City Engineer:"]

GENERAL PROVISIONS

1. Office of Superintendent of Streets created; appointment; bond.
2. Term of office; vacancies; how filled; shall hold office until successor is appointed; dismissal.
3. Duties; shall have general charge of streets and sidewalks; to enforce ordinances; inspections; reports.
4. Salary.
5. Powers and duties of Superintendent of Sidewalks transferred to Superintendent of Streets.
6. Duties of Superintendent of Streets relative to sidewalks.
7. Notices; return; report.
8. Office of Clerk to Superintendent of Streets created; appointment.
9. Duties; term; office hours.
10. Salary.
11. Tight wagon boxes for earth, etc.
12. Penalty.
13. Unauthorized excavating or carrying earth from streets; penalty.
14. Paper, refuse, etc., not to be thrown on streets; penalty.
15. Ashes, glass, etc., prohibited on streets, etc.; proviso.
16. Penalty.
17. Feeding hay, straw, etc., on streets prohibited.
18. Wagon poles or thills not to project into the street.
19. Penalty.
20. Vehicles not to remain stationary on State or Peach Streets; especially in front of Markets, etc.
21. Penalty.
22. Unauthorized erections or obstructions on streets or parks declared nuisances; penalty; exceptions in cases of carriages undergoing repairs.
23. Streets, bridges, wharves, etc., not to be obstructed; sidewalks, etc., not to be obstructed; penalty; responsibility for obstructions.
35. Certain parts vacated.
36. Plot recorded.
37. When to go into effect.
38. Partly vacated between Myrtle and Chestnut Streets.
39. Part vacated for railroad track.
40. Third Street laid out from Parade Street to east line of city.
41. Laid out from Wayne Street to East Avenue.
42. Opened 50 feet wide from Wayne Street to East Avenue.
43. Damages and benefits.
44. Width of carriageway from State to Cranberry Street.
45. Fourth Street opening Ash to Wayne Street.
46. Damages and benefits.
47. Laid out from Parade Street to east line of city.
48. Width of roadway from Sassafras to Walnut.
49. Width of sidewalk and lawn from Sassafras to Walnut.
50. Width of carriageway from Walnut to Cranberry Street.
51. Fifth Street; width of sidewalk and carriageway between French and Holland Streets.
52. Width of carriageway from Sassafras Street to west line of city.
53. Park Avenue north laid out.
54. Fifteen foot sidewalk on north side.
55. Ten foot lawn on north side.
56. Sixth Street, width of carriageway from Parade Street to East Avenue.
57. Width of carriageway from Cherry to Cranberry Street.
58. Sixth and Liberty Streets vacated through Cascade Park.
59. Park Avenue south laid out.
60. Fifteen foot sidewalk on south side.
61. Ten foot lawn on south side.

- erty to Cranberry Streets.
78. Marianne Alley accepted.
79. Tenth Street laid out according to act of 1866.
80. Lawns.
81. Superintendent of Streets to enforce.
82. Penalty.
83. Certain provisions extended to Tenth Street lawns.
84. Width of sidewalks between Cherry and Cranberry Streets.
85. Width of lawns.
86. Double carriageway; width.
87. Boulevard lawn, maintenance.
88. Central crossings.
89. Laid out according to petition.
90. Shade trees.
91. To be soft maple; how set.
92. Twelfth Street lines defined east of East Avenue.
93. Width of carriageway.
94. Sidewalks.
95. Width of carriageway, sidewalks and lawns; Parade Street to East Avenue.
96. Lawns laid out from French Street to East Avenue.
97. Extension of sidewalks at corner lots; penalty.
98. Width of sidewalk between State and French Streets.
99. Width of sidewalk between State and Peach Streets.
100. Width of sidewalks between Sassafras and Cranberry Streets.
101. Alley between Twelfth and Thirteenth Streets, vacated from Wallace Street eastwardly 188 feet.
102. When to take effect.
103. Thirteenth Street, width of roadway, Parade to Wayne Street.
104. Opened from State to French Street.
105. Damages and benefits.
106. Laid out from Peach to State Street.
107. Laid out from Peach to Sassafras Street.
108. Width of carriageway and sidewalk between Peach and Sassafras Street.
109. Change of names of certain streets.
110. Fourteenth Street, Parade to Ash; width of roadway.
111. Laid out from Turnpike Street to German Street.
112. Amendment; repeal.
113. Laid out from French to Holland Street.
114. Laid out from Peach to Turnpike Street.
115. Laid out from Peach to Sassafras Street.
116. Opened from Poplar to Cascade Street.
117. Damages and benefits.
118. Ritner Street laid out from Sassafras to Chestnut Streets.
119. Fifteenth Street laid out from Peach to Chestnut Street.
120. Laid out from Peach to Cascade Street.
121. Opened from Cherry to Poplar Street.
122. Damages and benefits.
123. Sixteenth Street laid out from Peach to Parade Street.
124. Laid out from Peach to Chestnut Street.
125. Laid out from Chestnut to Cascade Street.
126. Widened to 60 feet from Chestnut to Plum Street.
127. Damages and benefits.
128. Repeal.
129. Opened from Chestnut to Cherry Street.
130. Width of roadway, sidewalk and lawn.
131. Damages and benefits.
132. Sunbury Street accepted.
133. To be a public street; width.
134. Seventeenth Street laid out from Parade to Wallace Street.
135. Laid out from State to Parade Street.
136. Laid out from Peach to State Street; repeal.
137. Laid out from Peach to Liberty Street.
138. Laid out from Liberty to Cascade Street.
139. Width of carriageway from Peach to Cascade Street.
140. Eighteenth Street, location of poles between Wallace and Perry Streets.
141. Eighteenth Street, width of roadway from Peach to Liberty Street.
142. Nineteenth Street opened from Commercial to Brandes Street, width.
143. Damages and benefits.
144. Laid out from French Street to East Avenue.
145. Laid out from Wayne Street to Buffalo Street.
146. Damages, how assessed.
147. Opened from Parade to Ash Street.
148. Damages and benefits.
149. Opening of Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth Streets between State and Parade Streets.
150. Nineteenth Street opened between French and Holland Streets.
151. Benefits and damages.
152. Opening Nineteenth, Twentieth, Twenty-fourth and Twenty-fifth Streets between Peach and Chestnut Streets.
153. Nineteenth Street laid out from Poplar to Liberty Street.
154. Preamble.
155. Accepted from Peach Street to the western limits of the city.
156. To be graded.
157. Twentieth Street laid out from French Street to East Avenue.
158. Laid out from Peach to State Street.
159. Width of carriageway from Peach to Chestnut Streets.
160. Crandall Street; width of driveway, lawns and sidewalks.
161. Brown's Avenue, width of sidewalks.
162. Width of lawns.
163. Twenty-first Street laid out from Parade Street to east line of city.
164. Laid out from Warfel Avenue to east line of city.
165. Width of carriageway between Peach and Railroad Streets.
166. Opening Twenty-first and Twenty-second Streets from Peach Street westwardly.
167. Width of sidewalk and lawn from Peach Street to Chestnut Street.
168. Width of carriageway from Peach to Chestnut Street.
169. Laid out from Cherry to Liberty Street.
170. Benefits and damages.
171. Twenty-second Street laid out from Warfel Avenue to east line of city.
172. Accepted from Ash Street to Wayne Street.
173. Laid out from French Street to P. & E. R. R.
174. Laid out from Cherry Street to Poplar Street.

- 175. Laid out from Poplar to Liberty Street.
- 176. Benefits and damages.
- 177. Twenty-third Street laid out from State Street to east line of city.
- 178. Laid out from State Street to P. & E. R. R.
- 179. Laid out from Parade to Wallace Street, 60 feet wide.
- 180. Damages and benefits.
- 181. Laid out from State to French Street.
- 182. Crommel Avenue laid out.
- 183. Benefits and damages.
- 184. Twenty-fourth Street laid out from French Street to P. & E. R. R.
- 185. Opened from Parade to Wallace Street.
- 186. Damages and benefits.
- 187. Laid out from Peach Street to State Street.
- 188. Twenty-fifth Street laid out from East Avenue to the eastern limits of the city.
- 189. Laid out from French Street to East Avenue.
- 190. Width of carriageway east of Parade Street.
- 191. Opened between Myrtle and Chestnut Street.
- 192. Benefits and damages.
- 193. Laid out between Liberty Street and Cascade Street.
- 194. Twenty-sixth Street laid out from State Street to East Avenue.
- 195. Width and lines defined between State Street and Cherry Street.
- 196. Width of sidewalk.
- 197. Width of street reduced between Chestnut and Cherry Street; repeal.
- 198. Width of carriageway between State and Peach Streets.
- 199. Twenty-seventh Street laid out from Parade Street to the east line of city.
- 200. Opened between Parade and Holland Streets.
- 201. Opened from Liberty Street west 116 feet.
- 202. Benefits and damages.
- 203. Laid out from Plum Street to west line of city.
- 204. Benefits and damages.
- 205. Opened from Raspberry Street west 370.24 feet.

224. Benefits and damages.

- Streets Running Northwardly and Southwardly
- 225. Brandes Avenue opened from Nineteenth Street to Buffalo Road.
- 226. Damages and benefits.
- 227. Brandes Street accepted from Buffalo Road to Warfel Avenue.
- 228. Warfel Avenue; acceptance of, from Buffalo Road to Twenty-third Street.
- 229. Constituted a street.
- 230. Commercial Street opened.
- 231. Assessment of damages and benefits.
- 232. East Avenue adopted between Lake Erie and Twenty-eighth Street.
- 233. Width of carriageway, lawn and sidewalk from Lake to Twelfth Street.
- 234. Widths from Twelfth to Commercial Street.
- 235. Vacated from Commercial Street to Buffalo Road.
- 236. Benefits and damages.
- 237. Width reduced from Buffalo Road to Twenty-eighth Street.
- 238. East line defined.
- 239. Saltsman Street from Twenty-first Street to Buffalo Road opened; width.
- 240. Damages and benefits.
- 241. Width of roadway and sidewalk.
- 242. Beech Lane widened to 60 feet; name changed to Wayne Street.
- 243. Extended northerly to Lake Erie.
- 244. Width fixed at 50 feet from Sixth Street northerly.
- 245. Amendment.
- 246. Opened from Eighteenth Street to Twenty-sixth Street.
- 247. Reed Street opening, Fifth to Sixth Street.
- 248. Damages and benefits.
- 249. Laid out from Eighth Street to Ninth Street.
- 250. Damages how assessed.
- 251. Laid out from Eighteenth to Twenty-first Street.
- 252. Laid out from Twenty-first to Twenty-sixth Street.
- 253. Laid out from Twenty-sixth to Twenty-eighth Street.
- 254. Ash Street extended from near Third Street northerly to Presque Isle Bay.

defined.

274. Streets of the first and second sections extended into the bay.

275. Parade Street north of Fifth Street width of carriageway.

276. From Second Street to Fourth Street; laying out lawns; width of carriageway, sidewalks and lawns.

277. Time to commence and complete.

278. Penalty; notice.

279. Laying out lawns from Sixth Street to Fourth Street; width of carriageway, sidewalks and lawns.

280. Time to commence and complete.

281. Penalty; notice.

282. Lawns extended 32 feet to north curb of Sixth Street and rounded to a 10-foot radius.

283. Abutting owners may put in curbing.

284. Width from Twenty-Sixth to Twenty-eighth Street.

285. Width of carriageway, sidewalks and lawns.

286. Wattsburg Road laid out from near the intersection of Twenty-eighth and Parade Streets to south line of city.

287. Width of carriageway and sidewalk.

288. Name changed to Pine Avenue.

289. Marvin Avenue laid out from Wattsburg Road to south line of city.

290. Opening French Road to south city line.

291. Width.

292. German Street, Sixth to Eighth Streets width of carriageway; center line.

293. Width of carriageway between Eighth and Eighteenth Street.

294. Opening to south line of city.

295. Opening from Twenty-sixth to Twenty-eighth Street.

296. Damages and benefits.

297. Holland Street, north of Second Street, width of carriageway.

298. Width of carriageway from Second to Sixth Street center line.

299. Laid out from Twenty-sixth Street to south line of city.

300. Lines defined.

301. Damages, how assessed.

302. French Street sidewalk; width defined from North Park Place to Front Street.

303. Width of carriageway from Eighteenth to Twenty-sixth Street.

304. State Street laid out from Twenty-sixth Street to south line of city.

305. Laid out from Twenty-sixth Street to Hill Road; width.

306. Damages and benefits.

307. Peach Street laid out, south of

Twenty-sixth Street; width of carriageway and sidewalks.

308. Width of Peach Street sidewalk from Eighteenth to Twenty-sixth Street.

309. Sassafras Street from Fifth Street to Short Street; lawns and sidewalks defined.

310. Width of carriageway.

311. Carriageway, sidewalk and arbor defined from Fifth Street to Eighth Street.

312. Myrtle Street, Second to Twelfth Street; width of sidewalks and lawns.

313. Width of carriageway from Second to Fourth Street.

314. Width of roadway, sidewalk and lawns, between Fourth and Fifth Streets.

315. Width of roadway, Sixteenth to Eighteenth Street.

316. Laid out from Twenty-sixth Street to Peach Street.

317. Width of roadway, Eighteenth to Peach Street.

318. Hickory Street laid out from Sixteenth Street to Eighteenth Street.

319. Chestnut Street; width of carriageway.

320. Walnut Street; width of carriageway.

321. Sigsby Street opened, Twenty-sixth to Twenty-ninth Street.

322. Width of roadway, sidewalks and lawns.

323. Damages and benefits.

324. Cherry Street; width of carriageway.

325. Cherry Street laid out from Twenty-sixth Street to south line of city.

326. Maple Street accepted from Twenty-sixth Street to south line of city.

327. Hazel Street accepted from Twenty-sixth Street to south line of city.

328. Poplar Street; width of carriageway Seventh to Eighth Street.

329. Width of carriageway between Eleventh and Twelfth Streets.

330. Liberty Street Boulevard, Front to Twenty-sixth Street; width of roadways, sidewalks and lawns.

331. Plum Street laid out south of Twenty-sixth Street.

332. Cascade Street laid out south of Twenty-sixth Street.

333. Vacating of Raspberry Street, north of Front Street; conditions.

334. Raspberry Street laid out from Twenty-sixth Street, southwardly 1285.35 feet.

335. Laid out from Twenty-sixth Street to southern city line.

336. Benefits and damages.

1. That the office of Superintendent of Streets and Sidewalks be and the same is hereby created. And it shall be the duty of said Councils (a) to appoint some competent and suitable person to perform the duties pertaining to said office, who shall, if required, furnish a bond in the penal sum of not exceeding one thousand dollars, conditioned upon the faithful performance of his duties, and who shall be paid such salary as the Councils shall determine.

2. * * * The appointment of such Superintendent shall be made at the first regular meeting of the Councils in the month of May in each year. The term of office of such Superintendent shall be for one year, from the fifteenth day of May.

(a) Under the Act of May 23, 1889, such appointments are made by the

Mayor with the advice and consent of the select council.

July 18, 1879.
§ 1. A. 514.

Office of Superintendent of Streets created; appointment; bond.

Id. § 2.
Term of office.

July 12, 1879. * * *

Vacancies,
how filled.Shall hold
office until
successor is
appointed.

Dismissal.

Id. § 3.

Duties.

Shall have
general
charge of
streets and
sidewalks.To enforce
ordinances.

Inspections.

Reports.

In case the Councils shall fail to appoint a Superintendent, as hereinbefore provided, they shall do so at a subsequent meeting; and they shall have the power, in case of a vacancy in said office, by reason of the resignation of the Superintendent or otherwise, to fill the said vacancy by an appointment for the unexpired portion of the regular term of office; *provided*, that the incumbent of said office shall continue to discharge the duties thereof until his successor shall be duly appointed. *And provided further*, that the Councils may at any time dismiss the Superintendent from office on the ground of incompetency or dereliction of duty, and that the said Superintendent shall at all times be subject to the directions of the Councils.

3. It shall be the duty of said superintendent to take the general charge and oversight of all work done in the repairing, cleaning, grading, and opening of streets within the limits of the city, paving of streets excepted, and to certify to all bills for labor or material employed in connection with such work; also, to inspect all work ordered to be done in the grading, building, and repairing of sidewalks, and see that the same is done in accordance with the directions of the councils, and the ordinances relating thereto; also to attend to the enforcement, in conjunction with the city solicitor, of all ordinances and resolutions of the councils relating to the construction or repair of sidewalks; also in conjunction with the city solicitor, to attend to the enforcement of ordinances forbidding the depositing in the streets or on the sidewalks of the city, any ashes, dirt, rubbish, garbage, boxes, barrels, or other obstructions; also to inspect from time to time, the condition of the streets, bridges, culverts, street-crossings, and sidewalks throughout the city, and report to the councils in writing such repairs and improvements as he may deem necessary or advisable; also, to assist the city engineer, when his other duties will permit, in such work as he may be competent to perform, and said engineer may desire him to do.

Ord. 2334.

That from and after the first Monday of April 1904

necessary repairs therein, and also promptly report all defects in walks to Councils. Whenever defects therein are found by him so dangerous as to need immediate attention, which the property owner neglects or refuses to make, he shall make such temporary repairs as are necessary to protect the public from danger. he shall also see that the walks are kept free from obstructions of all kinds, and especially free from accumulation of snow and ice that shall cause them to be dangerous to the public.

Aug. 18, 1897

7. Said Superintendent shall keep a record of all notices served, and shall make a return of all parties complying with notices to build or repair walks. He shall also report to Councils the names of all parties not complying with notices served, and also report all walks not built or repaired when ordered, and the reason therefor.

Id. § 4.

Notices; re-
turn; report.

Ord. 1675,
Mar. 10, 1900.
§ 1. H. 283.

8. That the office of Clerk to the Superintendent of Streets be and is hereby created; said office to be filled by appointment of the Superintendent of Streets, immediately upon the approval hereof.

Office of
Clerk to Su-
perintendent
of Streets
created; ap-
pointment.

9. It shall be the duty of the Clerk to the Superintendent of Streets to do and perform all such office work as may be deemed proper by the Superintendent of Streets. Said clerk shall hold office at the pleasure of said Superintendent. The daily office hours of said Clerk shall be from 8 a. m. to 5 p. m.

Id. § 2.

Duties;
term; office
hours.

10. That from and after the approval or final passage of this ordinance the salary of the Clerk to the Superintendent of Streets shall be Fifty-five Dollars per month.

Ord. 2191,
Aug. 26, 1900.
§ 1. I. 308.

Salary.

TIGHT WAGON BOXES FOR REMOVAL OF EARTH, ETC.

11. That from and after the passage of this ordinance, it shall not be lawful for any person or persons to haul or carry any earth, ashes, dirt or similar material over or along the paved streets of the City of Erie in any cart, wagon or other vehicle, unless such cart, wagon or vehicle shall be provided with a box so constructed that no earth shall sift through the bottom thereof; nor shall any such cart, wagon or vehicle be so loaded that the contents thereof shall fall over the sides thereof.

Ord. 1153,
Oct. 29, 1895.
§ 1. G. 187.

Tight wa-
gon boxes for
earth, etc.

12. That any person or persons violating the provisions of this ordinance, shall be subject to a fine of not less than Two Dollars (\$2.00) or more than Ten Dollars (\$10.00) for each offense; and upon failure to pay said fine, said party shall be committed to the County Jail for a period of not less than five or more than thirty days. (a)

Id. § 2.

Penalty.

UNAUTHORIZED REMOVAL OF EARTH, ETC., FROM STREETS.

July 12, 1898.
§ 5. A. 230.

13. That if any person shall dig or plow up, carry away or remove from any street, sidewalk or public ground of said city, or the public square thereof, any earth or stone, unless special permission be given by ordinance or resolution of the said Mayor and Councils, such person shall forfeit and pay for the use of said city a fine of five dollars for every such offense, in addition to full value of material so taken, and an additional fine of twenty-five dollars for every time the offense shall be repeated after suit shall be instituted for the first or

Unauthor-
ized exca-
vating or
carrying
earth from
streets.

Penalty.

(a) See Ord. 32, approved Sept. 11, 1882, C. 46, which is similar to this ordinance with the addition that it re-

quires the policemen to arrest offenders, and when convicted the defendant may be required to labor on the streets.

July 12, 1886 any subsequent offense, or after the Sergeant-at-Arms, or other person authorized by the corporation, shall give the offender notice to desist.

June 2, 1856.
A. 97.

PLACING REFUSE ON STREETS.

Paper, refuse, etc., not to be thrown on streets.
Penalty.

Ord. 1226,
July 1, 1896.
§ 1. G. 246.

Ashes, glass, etc., prohibited on streets, etc.
Proviso.

Id. § 2.

Penalty.

Ord. 70,
July 13, 1883.
§ 1. C. 97.

Feeding hay, straw, etc., on streets prohibited.

Ord. 70,
July 13, 1883.
§ 2. C. 97.

Wagon poles or thills not to project into the street.

Id. § 3.

Penalty.

14. That if any person shall place or cause to be placed on any street, sidewalk, or public square of this city, rags, paper, straw, hay, hats, boots, or other offensive or frightful articles, such person shall forfeit and pay a fine of five dollars and thirty-four cents for each and every such offense.

15. Any person who shall put or place, or cause to be put or placed, in or upon any street, lane, alley, sidewalk or other public place in the City of Erie, any ashes, glass, crockery, scrap iron, nails, tacks, or other articles which would be liable to injure the feet of children or animals, or the tires of bicycles, or other vehicles. Provided this shall not apply to ashes used by authority of the City in filling streets or sidewalks.

16. Any person violating the provisions of the preceding section shall be liable to a fine of not less than two (\$2.00) or more than twenty dollars (\$20.00), for each offense.

17. That hereafter it shall not be lawful for any person or persons to feed any hay, straw, or other food that tends to litter the streets, around the park, or in any public street, in the City of Erie.

OBSTRUCTIONS ON STREETS.

18. It shall not be lawful for any person or persons, on the public market, who removes his, her, or their horse, horses, or teams from the conveyance to which they were hitched, to allow the thills or pole to project into the street; but said pole or thills shall be raised at such an angle as not to interfere with public travel on the street. (a)

19. Any person or persons violating any of the provisions of this ordinance shall forfeit and pay to the City of Erie a penalty of not less than one nor more than five dollars and costs for each and every offense, which said penalty may be recovered by an action of debt, or by proceedings as in case

21. Any person or persons violating any of the provisions of this ordinance, upon conviction thereof before the Mayor or any magistrate, shall be liable to a fine not to exceed one hundred dollars, and in default of the payment thereof undergo imprisonment in the county jail for a period not to exceed thirty days.

Sept. 26, 1905
Id. § 2.

Penalty.

22. All erections or obstructions whatsoever, unless authorized by special resolutions of the Mayor and Councils, (a) upon any part of the streets or public square aforesaid, are hereby declared common nuisances, and all persons are hereby prohibited from causing, placing, maintaining, allowing or keeping upon any part of any open street or public square aforesaid, or any public wharf, or piers or bridge of the canal basin, or any public appendage or construction connected therewith (except as above allowed), any merchandise, wagons, carriages, trees, posts, timber, firewood, brick, stone, straw, hay, shavings, manure, or any other article, thing or obstruction whatsoever, to remain thereon more than six hours, under the penalty of five dollars and thirty-four cents, which sum any person offending on the premises shall forfeit and pay to the use of the city for every such offense, and shall forfeit and pay an additional fine of five dollars and thirty-four cents for every hour any such obstruction, thing or nuisance shall be suffered to remain as aforesaid, after suit instituted for the first or any subsequent forfeiture; *provided*, that wagon and carriage makers, and blacksmiths may be allowed to keep wagons and carriages in front of their respective shops and premises for a reasonable time while actually at work upon each and every wagon or carriage, in making, finishing or repairing the same, but only on condition that all such wagons and carriages be placed lengthwise adjoining the outer edge of the sidewalk, and as close thereto as possible, in single file, with no part of any one wagon or carriage abreast another, and no part of any one extending beyond the front of the premises of the person so engaged in making, finishing or repairing the same.

July 12, 1866.
§ 12 A. 232.

Unauthorized erections or obstructions on streets or parks declared nuisances.

Penalty.

Exception in cases of carriages undergoing repairs.

23. If any person shall, in any manner or by any means, obstruct the carriageway of any open street aforesaid, or public wharf, or bridge of the canal basin aforesaid, to such an extent as not to leave room for carriages and wagons freely and conveniently to pass and repass, or shall so obstruct any sidewalk (except as hereinbefore provided), or any part of the piers of the canal basin, or any public appendage or construction connected therewith, as not to leave room for foot passengers freely and conveniently to pass and repass, such person shall immediately forfeit and pay the sum of ten dollars for every such offense, and an additional sum of ten dollars for every hour such obstruction shall remain to the extent aforesaid after suit instituted for the first or any subsequent fine; *provided*, that proof of the ownership of any article or any

Id. § 14. A.
233.

Streets, bridges, wharves, etc., not to be obstructed.

Sidewalks, etc., not to be obstructed.

Penalty.

(a) See Ordinance of Dec. 2, 1879, Sec. 2, A. 528, under title "Sidewalks." For use of streets for storing building material, red lights to mark

obstructions on streets and sidewalks, and prohibiting iron bars in roadway for guy rope supports, see par. 12, 13, 76 and 75, title "Buildings."

July 12, 1886.

Responsibility
for obstruc-
tions.

Id. § 15. A.
224.

Gutters not
to be ob-
structed;
penalty.

Gutters to
be kept
open.

Penalty.

Id. § 16.

Forfeiture
of obstruc-
tive articles.

other thing found obstructing any of the streets, wharves, piers, or public squares aforesaid, in any manner hereinbefore prohibited, shall, until the contrary is proved, be deemed and considered sufficient evidence that the person so proved to be the owner of such obstruction, placed, or caused such obstruction upon such street, wharf, pier or public square.

24. If any person or persons shall place in the gutter or water course made or established by the City Surveyor, or the authority of the corporation, upon any street or public squares of this city, any dirt, earth, chips, shavings, sweepings, filth, or other obstruction to the free flowing of the water and drainage along such gutter or water course, such person or persons shall forfeit and pay a fine of five dollars and thirty-four cents for every such offense, and an additional fine to the same amount for every hour such obstruction shall be suffered to remain after suit instituted for the first or any subsequent fine. And the owner or owners, occupier or occupiers of every dwelling house, store and shop, or other building adjoining any of the said streets, are hereby severally required to keep all such gutters and water courses at all times open and unobstructed in front of their respective premises, so that the water and drainage may freely flow along the same. And any such owner or occupant who shall, for twenty-four hours, neglect to comply with the requisitions aforesaid, shall forfeit and pay a fine of five dollars and thirty-four cents for every such neglect and an additional fine of five dollars and thirty-four cents for every hour such obstruction shall be suffered to remain after suit instituted for the first or any subsequent fine.

25. All timber, lumber, firewood, wagons, carriages, bricks, stone, or other articles or things which shall have remained more than five successive days upon any of the said streets, public squares, public wharves, or piers, or bridge over the canal basin, or any public appendage or construction connected

specifying the sum for which each article sold. And the advertising and sale shall be conducted in the same manner, and the same fees shall be allowed as in sales by constables upon executions. And the said Sergeant-at-Arms shall forthwith pay the amount received upon such sale, deducting his fees, into the city treasury. And the purchasers at such sale shall be allowed two days for the removal of the articles or things purchased; and if any such purchasers, after the expiration thereof, shall suffer any article or thing, by him so purchased, to remain upon any of the streets, bridges, wharves or piers aforesaid, such person shall be liable to the fines and penalties (a) hereinbefore provided against persons placing or causing obstructions and nuisances upon the streets, wharves, bridges or piers aforesaid; *provided*, that nothing herein contained shall annul or affect the liability of any person who originally placed or caused any such obstruction or nuisance upon said streets, wharves, bridges or piers aforesaid to the fines and forfeitures herein provided against such persons. But if the owner of any such obstruction is known, it shall be the duty of the Mayor either to cause a sale thereof as aforesaid, or suit to be instituted for the penalty as he shall deem most expedient.

July 12, 1898.

Fees.

Proceeds to be paid into city treasury. Rights of purchasers.

Liability of original owner to penalty.

Mayor's discretion as to procedure.

ANNUAL INSTALMENT CONTRACTS.

26. That in order to keep the asphalt pavements on Sixth Street, from Peach to Walnut Street; on Ninth Street, from Peach to Chestnut Street; on Eighteenth Street, from State to Parade Street; on Sassafras Street, from the north line of Tenth Street to the south line of Twelfth Street, and on Eighth Street, from State Street to Parade Street, in good repair for a term of ten years; it is hereby provided that the same be done by contract to the lowest responsible bidder. (b)

27. That in order to keep the asphalt pavements on Eighth Street, from State Street to Cherry Street; on Eleventh Street, from State Street to Cherry Street; on Sassafras Street, from Fifteenth Street to Eighteenth Street; on Twelfth Street, from State Street to Parade Street; on Fifth Street from State Street to French Street, and on Fifth Street from Peach Street to Sassafras Street, in good repair for a

Ord. 1718, May 5, 1900. § 1. H. 211.

Repair of pavements on W. Sixth, W. Ninth, E. Eighteenth, Sassafras, and East Eighth Streets.

Ord. 1840, Mar. 22, 1901. § 1. I. 1a.

On W. Eighth, W. Eleventh, Sassafras, E. Twelfth, and W. Fifth Streets.

(a) See Supra 7.

(b) The remainder of this ordinance is omitted. It is devoted, solely, to carrying the provisions of this section into operation. In pursuance to this ordinance the city executed a contract with the Alcatraz Paving Company of New York and Philadelphia, dated May 18, 1900, binding that company to repair, repave and maintain the pavements on the above named streets, and parts of streets, in good condition, under the supervision of the City Engineer, for ten years ending May 18, 1910, for the sum of \$5,665.15 per annum, payable

semi-annually on the first days of June and December of each year.

The number of square yards of pavement included in this contract is 38,124, making the expense of repairs, repaving and maintaining approximately, fourteen and eighty-six hundredths cents (\$0.1486) per square yard per annum.

Under this contract all cuts in the pavements referred to, made by authority of the city, are to be repaired by the contractor at \$2.25 per square yard, and at the expiration of the contract (May 18, 1910), the contractor is not to be released unless the pavements are in perfect repair and to the satisfaction of the City Engineer.

March 22, 1901

Ord. 2522,
May 23, 1906.
§ 1. J. 102.

Resurfacing
E. Sixth
Street.

Id. § 2.
Annual in-
stallments.

Ord. 1733,
June 1, 1900.
§ 1. H. 324.

Width of
carriage-
ways on 60-
foot streets.

term of ten years; it is hereby provided that the same be done by contract to the lowest responsible bidder. (a)

28. That the repaving, or laying of an asphalt top on the Sixth Street old stone pavement, from the east line of French Street to the east line of Parade Street, be and the same is hereby authorized and directed. * * * *

29. The City of Erie will appropriate and does hereby appropriate each year for the period of nine years, commencing with the year 1906, an annual amount (b) sufficient to cover the last nine annual installments provided for by this ordinance, and the same shall be paid from the special fund for the First Ward to be designated by resolution. (c)

GENERAL WIDTH OF CARRIAGE-WAYS ON 60-FOOT STREETS.

30. That the width of the carriage-way on each sixty (60) foot street, which width has not heretofore been established by ordinance, shall be thirty (30) feet, fifteen (15) feet on each side of the center line of such streets; Provided, however, that on sixty (60) foot streets, where the width of the carriage-way has been heretofore established, the same shall remain as established.

Relating to Particular Streets. (d)

Arranged in Geographical Order From North to South and From East to West.

Mar. 29, 1881.
A. 566.

Lake Street
laid out
from East
Avenue a-
long the
beach.

STREETS RUNNING EASTWARDLY AND WESTWARDLY.

31. That Lake Street be, and the same is hereby laid out and established in said City of Erie, commencing at a point in the center line of East Avenue, produced at a distance of twenty-three hundred thirty-six and one-half feet north of the center of Sixth Street, thence westwardly at an angle of

(a) The remainder of this ordinance is also omitted. It is practically the same, in form, as ordinance No. 1716 above referred to. Under this ordinance (No. 1840) a contract was executed by the

The average expense of annual repairs, repaving and maintaining of pavements under both contracts is a little over 14¼ cents per square yard.

(b) \$986 17 being 13 1-10 cents per

seventy-four degrees and fifty-seven minutes to the line of Mar. 20, 1881
 East Avenue, four hundred twelve and one-half feet to a post;
 thence at an angle to the right of eighteen degrees and fifty-
 eight minutes eight hundred and three and one-half feet to a
 post; thence at an angle of fifteen degrees and ten minutes,
 five hundred and one foot to the center line of Wayne Street
 at a distance of eleven hundred and eighty-three feet north
 of the north line of outlot No. 555; thence at an angle to the
 right of seven degrees and twenty-one minutes, fifteen hundred
 and thirty-two and one-half feet to a stone; said street to be
 one hundred feet in width, and one-half of the land necessary
 therefor to be taken from each side of the above stated line.

Feb. 8, 1881.
 A. 560.

32. That Millcreek Street be and the same is hereby laid
 out and established in said City of Erie, commencing at a
 point in the center line of a proposed street called Lake Street
 two hundred and twenty-three feet west of its intersection with
 Wayne Street; thence south twenty-nine degrees thirty min-
 utes west, fourteen hundred and eighty feet to the center of
 Ash Street, crossing Ash Street at an angle of fifty-six degrees,
 and at a distance of eighteen hundred and twenty-seven feet
 north of the center of Fourth Street and continuing in the
 same course to Millcreek, a distance of seven hundred and
 fifty-five feet; said street to be eighty feet in width, and one-
 half of the land necessary therefor to be taken from each side
 of the line above given. (a)

Millcreek
 Street laid
 out from
 Lake Street
 to Millcreek.

(a) The Map of the Boro of Erie
 made by T. S. Brown in 1837 shows a
 street a little west of and nearly parallel
 with Millcreek street as above laid out.

PUBLIC WHARF.

"The owners of water lots fronting
 the public wharf are bound to keep said
 wharf in good repair in front of their
 respective properties, this by reason of
 an agreement entered into between the

original owners of water lots and the
 Borough of Erie many years ago."
 (Opinion of City Solicitor, July 8, 1903,
 S. C. Journal Z, page 448). See Deed
 Book U., page 565, in Recorder's office
 of Erie Co., also Deed Book K., page
 438. See title "Docks and Harbors,"
 for use of Canal basin pier and wharf
 as a street.

East Avenue, (about) 100, (not named
 on map) from the northeast corner of
 Out Lot 554 to Twenty-eighth street.

Beech lane, 30, (now Wayne street)
 from the northwest corner of Outlot
 555 to Twenty-eighth street. Vacated
 from the L. S. & M. S. R. R. to
 Eighteenth street, by the Act of March
 23, 1865.

Ash street, 30, from the south line of
 the Garrison Tract, (now Soldiers' and
 Sailors' Home) near Third street, to
 Twenty-eighth street. Vacated from L.
 S. & M. S. R. R. to Eighteenth street.
 by Act of March 23, 1865.

Parade street, 100, from Lake Erie to
 Twenty-eighth street.

Pine avenue, (former names: Watts-
 burg road and Russell road) about 50,
 commencing at about same point as
 French road, and extending southeast-
 erty to the present city limits.

French road, (about) 50, from corner

of Twenty-eighth and Parade streets,
 southerly to present city limits.

German street, 60, from the lake to
 Twenty-eighth street. Vacated north
 of Front street, under Act of March 23,
 1872, P. L. 511 and deed recorded in
 deed book 45, page 623.

Holland street, 60, from the lake to
 Twenty-sixth street, (so much of Hol-
 land street as lies north of Front street
 was vacated by Act of February 10,
 1870.)

French street, 60, from the lake to
 Twenty-sixth street.

State street, 100, from the lake to
 Twenty-sixth street.

Turnpike street, 60, from State street,
 near Thirteenth street southerly to
 Peach street at Fifteenth street.

Peach street, 60, from the lake to
 Twenty-sixth street, thence in a direc-
 tion a little west of south to the city
 limits (about) 50.

Mar. 29, 1881.
A. 565.

Bluff Street
laid out
from Ash
Street to
East Ave-
nue.

33. That a street to be called Bluff Street be and the same is hereby laid out and established in said City of Erie, commencing in the center line of Ash Street produced, at a point seventeen hundred and thirty-two feet north of the center line of Fourth Street, thence nearly due east at an angle of sixty-six degrees and twenty-seven minutes to the line of Ash Street, five hundred and sixteen and four-tenths feet to a post; thence at an angle to the left twenty-two degrees and thirty-six minutes, eight hundred eighty and two-tenths feet to a post in the center of Wayne Street, twenty-three hundred and thirteen feet north of the center of Sixth Street, thence angle to the left three degrees fourteen minutes, thirteen hundred ninety and six-tenths feet to the center of East Avenue, at a distance of twenty-three hundred sixty-nine and one-half feet north of the center of Sixth Street; said street to be sixty feet in width, and one-half of the land necessary therefor to be taken from each side of the above described line.

Ord. 4.
Mar. 3, 1882.
§ 1. C. 9.

Front Street
straightened
between
Peach and
Sassafras
Street.

34. That Front Street, between Peach and Sassafras Streets, be laid out, straightened and established, and the same is hereby laid out, straightened and established as follows, to wit: The south line of said street shall commence at a point on the west line of Peach Street one hundred and thirty-two (132) feet north of the north line of Second Street, thence westerly to a point in the east line of Sassafras Street three hundred and fifty-eight (358) feet north of the north line of Second Street. The north line of said Front Street, between the points aforesaid, shall be parallel to the above described south line and two hundred (200) feet distant therefrom; and said space of two hundred (200) feet in width between said lines from Peach Street to Sassafras Street shall constitute Front Street between the points aforesaid.

Sassafras street, 60, from the lake to
Twenty-sixth street.

as running from the mouth of Mill
Creek, in a northerly direction, nearly
or quite across the sand beach, from 40

Myrtle street, 60, from the lake to

35. Such parts of Front Street, as heretofore laid out between Peach and Sassafras Streets as lie without the limits of said Front Street as established by this ordinance, are hereby vacated. Mar. 3, 1842
Id. § 2.
Certain parts vacated.

36. The annexed plot (Recorded on page 10, Ordinance Book "C") showing the lines of said Front Street as now existing, and as proposed to be laid out and established by this ordinance, is hereby made a part hereof. Id. § 3. C. 10.
Plot recorded.

37. This ordinance shall not take effect until such time as the owners of the land required for straightening said Front Street between the points aforesaid shall have dedicated the same to public use as a street, without expense to the City of Erie, and until all property holders, if any, who are damaged by said proposed change, shall have released the City of Erie from damages caused by such change. Id. § 4.
When to go into effect.

38. The following described portion of the North part of Front Street, between Myrtle Street and Chestnut Street be and the same is hereby vacated: Beginning at a point in the north line of Front Street, one hundred and sixty-five (165) feet east of the intersection of the north line of Front Street with the east line of Chestnut Street; thence south parallel with the east line of Chestnut Street one hundred and twenty-five (125) feet; thence east parallel with the north line of Ord. 1253,
June 7, 1897.
§ 1. H. 2.
Partly vacated between Myrtle and Chestnut Streets.

Width of Front street at west line of Chestnut street 222.5.

Width of Front street at west line of Myrtle street 290.86.

Width of Front street at center line of Sassafras street 235.59.

Width of Front street at center line of Peach street 290.67.

Width of Front street at center line of State street 231.63.

Width of Front street at center line of French street 275.84.

Width of Front street at center line of Holland street 191.26.

Width of Front street at center line of German street 241.68.

Width of Front street at west line of Parade street 290.

[Note.—The width of Front street is taken from map drawn by Capt. John H. Miller in 1847. See Act of January 31, 1866, and ordinance of March 3, 1882.]

Short street, 60, from Sassafras street to Chestnut street.

Second and Third streets, 60, from Parade street to Cranberry street.

Fourth street, 60, from Parade street to Cranberry street, and from Ash street to East Avenue.

Fifth street, 60, from East Avenue to Cranberry street.

Lake road, (about) 50, from East Avenue eastwardly.

Sixth street, 100; Seventh street, 60; Eighth street, 60; Ninth street, 60; Tenth street, 100; Eleventh street, 60.

and Twelfth street, 100, all running from East Avenue to Cranberry street.

Buffalo road, (about) 50, from Parade street to East Avenue and thence eastwardly.

Ridge road, (Twenty-sixth street) (about) 100. (width not marked from East avenue to Cranberry street).

Twenty-eighth street, (not named on map of 1837), from Parade street to Peach street, and from East Avenue eastwardly.

The names of certain streets east of Parade street appear on said map as follows, the present names being here inserted in parenthesis, viz:

Beech Lane, (Wayne st.); Ash Lane (Ash st.); Hickory Lane, (Fifth st.); Birch Lane, (Sixth st.); Maple Lane, (Seventh street); Ironwood Lane, (Eighth street); Dogwood Lane, (Ninth street) Elm Lane, (Tenth street); Locust Lane, (Eleventh street); Pear Lane, (Twelfth street.)

The streets running northerly and southerly, between Twelfth street and Twenty-sixth street are marked, respectively, as "State Lane," "French Lane," "Holland Lane," etc. North of Twelfth street they are called streets as at present.

The streets of the "Third Section," running northwardly and southwardly, which were vacated by the Act of April 8, 1833, P. L. 243, were as follows, and in the order named, commencing at Cranberry street, viz: Cranberry,

June 7, 1897

Front Street one hundred and sixty-five (165) feet; thence north parallel with the east line of Chestnut Street one hundred and twenty-five (125) feet; thence west along the north line of Front Street one hundred and sixty-five (165) feet to the place of beginning.

Id. § 2.

Part vacated for railroad track.

39. That a sufficient portion of the north part of said Front Street, upon which to lay a side track extending eastwardly from the above described portion of said street to the center of Myrtle Street, be and the same is hereby vacated. (a)

(a) See title "Water Works," page 57, for resolution granting part of Front street, near Chestnut street, for water works purposes.

The City Engineer reported, under date of May 29, 1901, (S. C. Journal Y., page 60), that the railroad tracks cover all the north 65 feet of Front street, between French and Holland streets, and about 13 feet of the south side of a 40 foot driveway that was taken off the south end of the water lots lying between State and Holland streets.

The City Solicitor reported, under date of June 30, 1899, (S. C. Journal W., page 276), relating to the Lake Side Park property on Front street, between French and Holland streets: "That from such records as exist relating to said property, I am of the opinion that said park embraces all the land lying north of the south line of Front street, the same extending northwardly on the east line of French street to a point 181.45 feet from the northwest corner of inlet 3221, and along the west side of Holland street northwardly 155.65 feet from the northeast corner of inlet No. 3309; a line from the two points mentioned being the agreed south line of the P. & E. R. R. Co.'s right-of-way, as is shown by the map of the First Ward in

agrees to "convey to the City of Erie, whenever said City of Erie may deem the same necessary for street purposes, or in widening said streets at the intersection of Cascade and Front streets, a certain triangular strip of land from the north line of lot owned by said Co., described as follows:

"Beginning at the intersection of the easterly line of Cascade street and the southerly line of Front street, thence eastwardly along the southerly line of Front street one hundred and sixty-six and six tenths (166.6) feet to a point in the east property line of the Erie & Pittsburg Railroad, thence westwardly one hundred and sixty-five and six tenths (165.6) feet to a point on the easterly line of Cascade street, said point being forty and three (40.3) feet southwardly from the intersection of the easterly line of Cascade street and the southerly line of Front street, thence northwardly along the easterly line of Cascade street forty and three (40.3) tenth feet to the place of beginning, and containing an area of three thousand three hundred and twenty-four and seven tenths (3324.7) square feet. It being or intended to be the triangular piece of land as set forth in plot or map accompanying this agreement and made

40. That Third Street being of the width of sixty feet is hereby laid out and extended eastwardly from the east line of Parade Street to the eastern boundary of the city, said extension to be by a production of the north and south lines of said Third Street as it now exists by direct lines to the eastern boundary of the city, and it is ordained that said street be so extended and said street throughout the length aforesaid be and the same is hereby laid out and extended as a street of said city. (a)

41. That Third Street in the City of Erie, from Wayne Street to East Avenue, be laid out, opened and extended between said points, at a uniform width of sixty (60) feet, in such manner that the center line of said Third Street, as hereby laid out, opened and extended, shall begin at a point in the east line of Wayne Street, seven hundred and eighty and sixty-four one hundredths (780.64) feet north of the center line of Fifth Street; and that said center line of Third Street shall continue from said point to East Avenue parallel with the center line of Fifth Street. (b)

42. That Third Street, from Wayne Street to East Avenue, be laid out, opened and extended at a uniform width of fifty (50) feet, the south line thereof to be the north line of Out-

July 25, 1871.
A. 365.
Third Street
laid out
from Parade
Street to
east line of
city.

Ord. 793,
Jan. 18, 1893
§ 1. E. 271.

Laid out
from Wayne
Street to
East Ave-
nue.

Ord. 2318,
Mar. 21, 1904.
§ 1. I. 375.

Opened 50
feet wide
from Wayne
Street to
East Ave-
nue.

deed dated Nov 12, 1895, accepted by the city Dec. 3, 1895, (S. C. Journal T., page 199). Recorded Dec. 3, 1895 in Deed Book 116, page 414.

Blanche McC. Selden and E. P. Selden, her husband, conveyed to the city, Queen street, 40 feet in width, running from East avenue to Penn'a ave., by deed dated Feb. 8, 1904; accepted by the City of Erie Feb. 7, 1906. (Select Council 2, page 323.)

SECOND STREET—The width of the pavement of the carriageway of Second street, from State street to German street, was fixed at 30 feet by the paving Ordinance (No. 1754), approved July 17, 1900, H., 336.

SECOND STREET, THIRD STREET, FOURTH STREET AND FIFTH STREET OR FLEMING AVENUE, all 60 feet in width and running from East Avenue eastwardly 838 3-4 feet, were conveyed to the city by Frank Gunnison, executor and trustee, under the will of Morrow B. Lowry deceased, and H. N. Fleming and wife, by deed dated October 31, 1902, accepted by the city Dec. 4, 1902, (S. C. Journal Z, page 154 B.) Recorded March 11, 1903, in Deed Book 142, page 655.

The land conveyed for said streets is described in said deed as follows:

2nd. A strip of land sixty (60) ft. in width, from the east line of East Avenue eastwardly and parallel with the

Lake road eight hundred and thirty eight and 3-4 feet, the center line of which shall be two hundred and seventy-six (276) feet northwardly from the north line of the Lake road, as widened by said first parties to be known as Fleming avenue or Fifth street.

3rd. A strip of land sixty (60) feet in width from the east line of East Avenue eastwardly, and parallel with the Lake road eight hundred and thirty-eight and 3-4 (838 $\frac{3}{4}$) feet, the center line of which shall be three hundred and one (301) feet northwardly from the center line of Fleming avenue or Fifth street above mentioned to be called Fourth street.

4th. A strip of land sixty (60) feet in width, from the east line of East Avenue, eastwardly and parallel with the Lake road eight hundred and thirty-eight and 3-4 (838 $\frac{3}{4}$) feet, the center line of which shall be three hundred and one (301) feet northwardly from the center line of Fourth street above mentioned, to be called Third street.

5th. A strip of land sixty (60) feet in width, from the east line of East Avenue, eastwardly and parallel with the Lake road eight hundred and thirty-eight and 3-4 (838 $\frac{3}{4}$) feet, the center line of which shall be three hundred and one (301) feet northwardly from the center line of Third street above mentioned, to be called Second street.

(a) See Infra 41, 42.

(b) See Infra 42.

Mar. 11 1904 lots Numbers Five Hundred and Fifty-one (551) and Five Hundred and Fifty-eight (558). (a)

Damages and benefits.

Ord. 1356,
June 10, 1897.
§ 1. H. 20.

Width of
carriageway
from State
to Cranberry
Street.

Ord. 2559.
Oct. 20, 1905.
§ 1. J. 148.

Fourth
Street open-
ing, Ash to
Wayne
Street.

Id. § 2.
Damages
and benefits.

July 15, 1874.
A. 363.

Laid out
from Parade
Street to
east line of
city.

Ord. 680,
Sept. 2, 1891.
§ 1. E. 146.

Width of
roadway

43. That any and all damages that may be assessed for property taken for said street shall be paid upon final determination thereof, by the City of Erie, and any and all benefits that may be assessed against abutting property shall be collected by, and paid to, said City of Erie.

44. That the carriage-way of Third Street from State Street to Cranberry Street is hereby fixed at a uniform width of thirty (30) feet from curb to curb.

45. That Fourth Street, from Ash Street to Wayne Street be and the same is hereby established and opened up as a public highway at the uniform width of sixty (60) feet; the center line of said street to be three hundred and ninety and three-tenths (390.3) feet north of and parallel with the center line of Fifth Street, as now laid out and established.

46. Any and all damages which may be incurred by the opening of said street shall be paid, upon the final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of the opening of said street, shall be collected by, and paid to the City of Erie.

47. That Fourth Street being of the width of sixty feet is hereby laid out and extended eastwardly, from the east line of Parade Street to the eastern boundary of the city. Said extension to be by a production of the northern and southern lines of Fourth Street, as it now exists by direct lines to the eastern boundary of the city, and it is hereby ordained that said street be so extended and said street throughout the length aforesaid be and the same is hereby laid out and extended as a street of said city. (b)

48. That the roadway in Fourth Street, from the west line of Sassafras Street to the west line of Walnut Street be and is hereby established at the width of thirty (30) feet; pro-

50. That the road-way of Fourth Street from Walnut Street to Cranberry Street be and is hereby established at a uniform width of thirty (30) feet; provided, however, that in the said width there shall be included all the necessary curb-ing for the pavement of the roadway and for the protection of the sidewalks.

Ord. 1867,
June 10, 1897.
§ 1. H. 21.

Width of
carriageway
from Wal-
nut to Cran-
berry Street.

51. That the carriageway of Fifth Street, from French Street to Holland Street, in the City of Erie, Pa., be and is hereby fixed at a uniform width of twenty-eight (28) feet from curb to curb, leaving sixteen (16) feet in width on each side of said carriage-way for sidewalk and arbor culture.

Ord. 516.
June 6, 1890.
§ 1. D. 363.

Fifth Street;
width of
sidewalk
and car-
riageway be-
tween
French and
Holland
Street.

52. That the width of the carriage-way of Fifth Street, from the west line of Sassafras Street to the western city line, be and the same is hereby established at twenty-six feet, from curb to curb. (a)

Ord. 1870,
May 18, 1901.
§ 1. I. 36.

Width of
carriageway
from Sassa-
fras Street,
to west line
of city.

53. That a street to be called Park Avenue North be and the same is hereby laid out, opened and established between Poplar Street and Plum Street, at the uniform width of sixty (60) feet, in manner following, to wit: That the center line of said Park Avenue North shall be one hundred and eighty-five (185) feet north of the center line of Sixth Street and parallel thereto.

Ord. 802,
April 3, 1893.
§ 1. E. 296.

Park Avenue
north laid
out.

54. That there shall be a sidewalk fifteen (15) feet in width along the north side of said Park Avenue North as the same is hereby established; said sidewalk to be constructed and maintained by the owners of property abutting thereon.

Id. § 2.
Fifteen foot
sidewalk on
north side.

55. That between the curb lines of the roadway of said Park Avenue North and the sidewalk, as above provided, a space ten (10) feet in width be allowed for lawn purposes, and for the planting of trees; and that said space shall be kept as a lawn at the expense of the owners of property abut-ting upon said street opposite said lawn. (b)

Ord. 844,
June 10, 1893.
§ 1. E. 308.

Ten foot
lawn on
north side.

56. That the carriage-way of Sixth Street, between Parade Street to East Avenue be and the same is hereby established at thirty-six (36) feet, from curb to curb; the center line of said Sixth Street, between the points aforesaid to be four hun-dred and ten and three-tenths (410.3) feet southwardly from, and parallel to the center line of Fifth Street, and four hun-

Ord. 1391,
Aug. 11, 1897.
§ 1. H. 45.

Sixth Street,
width of
carriageway
fixed from Parade
Street to
East Ave-
nue.

(a) The Public alley, 15 feet width, running from Parade street to Wallace street, between 5th and 6th streets, was conveyed to the city by Geo. P. Colt and wife by deed dated Nov. 12, 1900, accepted by the city Nov. 27, 1900, (S. C. Journal X, page 453 B.). Recorded Nov. 29, 1900 in Deed Book 133, page 127.

For payment of assessment by the city for paving Parade street in front of

said alley, see S. C. Journal X, page 458 A.

(b) The paving Ordinance (No. 2606), approved March 22, 1906, J 187, fixed the width of the pavement on Park avenue north at 35 ft.

By resolution, approved July 19, 1865, Ord. Book A, page 181, the street on the north side of Central Park was named "North Park Place" and the street on the south side of said park was named "South Park Place."

Aug. 11, 1897

Ord. 1359,
June 10, 1897.
§ 1. H. 23.

Width of
carriageway
from Cherry
to Cranberry
Street.

Ord. 713,
Mar. 10, 1892.
§ 1. E. 184.

Sixth and
Liberty
Streets vac-
ated
through
Cascade
Park.

Ord. 801,
April 3, 1893.
§ 1. E. 294.

Park Avenue
south laid
out.

Id. § 2.

Fifteen foot
sidewalk on
south side.

Ord. 845,
June 10, 1893.
§ 1. E. 309.

Ten foot
lawn on
south side.

Ord. 489,
Mar. 21, 1890.
§ 1. D. 330.

Seventh
Street laid
out from
East Avenue
to Pennsylvania Ave-
nue.

dred and ten and one-fourth ($410\frac{1}{4}$) feet northwardly from, and parallel to the center line of Seventh Street. (a)

57. That the carriage-way of Sixth Street from Cherry Street to Cranberry Street be and is here fixed at a uniform width of thirty-six (36) feet from curb to curb.

58. That such portions of Sixth Street and Liberty Street as may be included in the public square or park known as Cascade Park, in the second section of the original Town of Erie, be and the same are hereby vacated and discontinued; provided, however, that the use of said streets through said park or public square shall not be refused or denied to the public, until such time as a good and safe roadway around the northern and southern portions of said Cascade Park or square between Poplar and Plum Streets has been opened and graded.

59. That a street to be called Park Avenue South be and the same is hereby laid out, opened and established between Poplar Street and Plum Street, at the uniform width of sixty (60) feet, in manner following, to wit: That the center line of said Park Avenue South shall be one hundred and eighty-five (185) feet south of the center line of Sixth Street and parallel thereto.

60. That there shall be a sidewalk fifteen (15) feet in width along the south side of said Park Avenue South as the same is hereby established; said sidewalk to be constructed and maintained by the owners of property abutting thereon.

61. That between the curb lines of the roadway of said Park Avenue South and the sidewalk, as above provided, a space ten (10) feet in width be allowed for lawn purposes, and for the planting of trees; and that said space shall be kept as a lawn at the expense of the owners of property abutting upon said street opposite said lawn. (b)

62. That Seventh Street in the City of Erie be and the same is hereby opened and extended from East Avenue eastwardly to Pennsylvania Avenue.

63. That said Seventh Street from East Avenue to Penn-

points above mentioned, shall be and are hereby assessed upon the property benefited by said opening and extension of Seventh Street.

Mar. 21, 1890
Ord. 1893,
Mar. 18, 1902,
§ 1, I. 113.

65. That the width of the roadway of Seventh Street, from the east curb line of French Street to the west curb line of Wallace Street, where not already fixed by being curbed, be and the same is hereby established at a width of twenty-eight (28) feet.

Width of
carriageway
from French
to Wallace
Street.
Ord. 560,
Sept. 6, 1890,
§ 1, E. 14.

66. That the carriageway on Seventh Street, between Peach Street and Sassafras Street, be and is hereby established at the uniform width of twenty-seven (27) feet.

Width of
carriageway
between
Peach and
Sassafras
Street.

67. That the roadway on Seventh Street, from the west line of Sassafras Street to the east line of Cherry Street be, and is hereby established at the uniform width of twenty-six (26) feet; said width to be computed from curb to curb.

Ord. 843,
June 10, 1893,
§ 1, E. 307.

68. That from and after the passage of this ordinance the width of the sidewalks and lawns on Seventh Street, from the west line of Sassafras Street westwardly to the western city limits of the City of Erie, be and is hereby established as follows, to wit: The lawns upon said street shall be of the uniform width of seven (7) feet, including the curbing of the roadway; and the sidewalks shall be of a uniform width of ten (10) feet, the outer edge of which sidewalk shall be the inner edge of the lawn on the respective sides of the street. (a)

Width of
carriageway
between
Sassafras
and Cherry
Streets.
Ord. 970,
Mar. 28, 1894,
§ 1, G. 24.

69. That the carriage-way of Seventh Street from Cherry Street to Cranberry Street is hereby established at a uniform width of thirty (30) feet from curb to curb.

Width of
sidewalk
and lawn
from Sassa-
fras to Cran-
berry Street.
Ord. 1360,
June 10, 1897,
§ 1, H. 24.

70. That Eighth Street, from East Avenue to Pennsylvania Avenue, be and the same is hereby laid out, opened and extended, at a uniform width of fifty (50) feet; twenty-five feet on each side of the center line of said street, which shall be a direct continuance of the center line of Eighth Street, west of East Avenue. (b)

Width of
carriageway
from Cherry
to Cranberry
Street.

Ord. 2081,
Aug. 22, 1902,
§ 1, I. 163.

Eighth
Street; open-
ing from
East Avenue
to Pennsyl-
vania Ave-
nue.

Id. § 2.

71. Any damages assessed against the City of Erie in favor of owners of property taken for said street shall be paid by said city, and any benefits assessed against abutting property for special benefits accruing from the opening of said street shall be paid to the said city.

Damages
and benefits.

(a) See *Infra* 69. McCarter Avenue, 60 ft. in width, running from East Avenue to Pennsylvania Avenue, 605.32 ft. southwardly from the Lake road, at East Avenue, was conveyed to the city by Joseph McCarter and wife, by deed dated Dec. 27, 1895. Recorded Dec. 31, 1895 in Deed Book 117, page 39.

(b) So amended by Ordinance No. 2129, approved Feb. 26, 1903, I 226.

West Lake road:

Resolved: That the Lake road now running through the Third Section be left open and appropriated as a public highway to the width of sixty feet. It being the same as Eighth street in the original plan of the Town of Erie, and that the lots north and south of said road be butted and bounded on said road or street. Minute Book 2 of the Borough of Erie, page 304, Aug. 2, 1833.

Ord. 1886,
July 5, 1901.
§ 1. I. 50.

Ninth Street
opening
from East
Avenue to
Pennsylvania
Avenue.

Ord. 530,
July 5, 1890.
§ 1. D. 385.

Width of
carriageway
from French
to Parade
Street.

Ord. 9,
Mar. 23, 1882.
§ 1. C. 17.

Width of
sidewalk
from Peach
to Chestnut
Street.

Id. § 2.

Ten feet to
be paved;
six feet for
lawn.

Id. § 3.

Property
owners must
conform
hereto.

Ord. 1358,
June 10, 1897.
§ 1. H. 22.

Width of
carriageway
from Liberty
to Cranberry
Street.

Ord. 1291,
Jan. 26, 1897.
§ 1. G. 305.

Marienne
Alley
accepted.

72. That Ninth Street, from East Avenue to Pennsylvania Avenue, be and the same is hereby laid out, opened and extended, so that the north, center and south lines thereof shall be direct continuances, respectively, of the north, center and south lines of said Ninth Street west of East Avenue. (a)

73. That the carriage-way of Ninth Street, from French Street to Parade Street, be and is hereby fixed at the uniform width of twenty-eight (28) feet from curb to curb.

74. The width of the sidewalk on either side of Ninth Street, between Peach and Chestnut Streets, shall hereafter be sixteen feet including the curb.

75. Said sidewalks shall be paved the width of ten feet from the line of lots abutting on said street, leaving a strip of ground between the pavement and the street curb, of the width of six feet, including said curb, for shade trees and a grass plat or border.

76. As soon as said Ninth Street between the points named shall have been paved, it shall be the duty of the owners of property abutting on said street to construct or change their sidewalks, so as to conform to the provisions of this ordinance; and also to make and maintain in good order, the grass plat or border between the sidewalk pavement and the street curb.

77. That the carriage-way of Ninth Street from Liberty Street to Cranberry Street be and is hereby fixed at a uniform width of twenty-eight (28) feet from curb to curb.

78. That the City of Erie hereby accepts for the use of the public Marienne Alley, extending from the West line of East Avenue westwardly six hundred and sixty (660) feet, as the same is laid out and established by Dunlap's sub-division of lot No. 520, recorded in Deed Book 16, at page 150, in the

Street, in the City of Erie, and change the width of the road- April 2, 1897
way in said street." (a)

80. An owner of any land lying along and adjoining said Id. § 2.
street shall grade the space occupied by lawns so that the pitch Lawns.
from the sidewalk to the curb of said street shall be uniform,
and sod said space, or seed it to grass, and thereafter keep
the grass properly cut as often as may be necessary. (b) Id. § 2.

81. If any person shall neglect or fail to comply with the Superinten-
provisions of the foregoing sections, the Sidewalk Superin- dent of
tendent shall, after five days' notice to the delinquent person, Streets to
enforce all orders and enactments to carry out the provisions enforce.
of said Act of Assembly and this ordinance, and assess and
collect the cost and expenses of making the improvements in
the same manner now authorized to enforce orders and enact-
ments requiring sidewalks to be laid in said City of Erie.

82. All violations of the foregoing sections shall be pun- Id. § 4.
ished by fines of not less than five, nor more than ten dollars Penalty.
for each and every offense.

83. The provisions of Sections 1, 2 and 3 of an ordinance, Id. § 5.
entitled "Ordinance relative to Public Grounds," is hereby Certain pro-
extended to said lawns, as far as the same may be applica- visions ex-
ble. (c) tended to
Tenth Street
lawns.

84. That the sidewalks on each side of Tenth Street, be- Ord. 1898,
tween Cherry and Cranberry streets, shall each be ten (10) Mar. 24, 1899.
feet in width, the north and south lines of said sidewalks being § 1. H. 231.
the north and south property lines of said streets, between said Width of
points. sidewalks
between
Cherry and
Cranberry
Streets.

85. That the lawns between the sidewalks and roadways Id. § 2.
on said street, between the points named, shall be each twelve Width of
(12) feet in width (including the curbing); the north line lawns.
of the lawn on the north side of said street to be the south line
of the sidewalk on north side of said street, and the south line
of the lawn on the south side of said street to be the north
line of the sidewalk on the south side of said street. Id. § 3.

86. That there shall be two roadways or driveways, one on Double car-
each side of said street, which shall be twenty (20) feet in riage-way:
width, each; the north line of the roadway on the north side width.
of said street to be the south line of the lawn, and the south line
of the roadway on the south side of said street to be the north
line of the lawn. Id. § 4.

87. That there shall be in the center of said street, between Boulevard
said points, a boulevard lawn, sixteen feet in width, the im- lawn;
provement, maintenance and care of which is hereby vested in maintenance.
the Board of Park Commissioners of the City of Erie; the
expense of the same to be paid out of funds hereafter to
be appropriated to said Board for such purposes. (d) Id. § 5.

88. That there shall be in the center of each long block,
between said points, a crossing or junction of the two road- Central
crossings.

(a) See *Infra* 84 to 91, inclusive.
Tenth street, 100 ft. wide, from East
Avenue to Pennsylvania Avenue, was
conveyed to the city by Rt. Rev. T. Mul-
len, et al, by deed dated Dec. 7, 1895,
and recorded Dec. 13, 1895, in Deed
Book 116, page 451.

(b) See *Supra* 86, 87.

(c) For "ordinance relative to Pub-
lic Grounds" referred to in this Section,
see title "Parks and Public Grounds,"
page 282.

(d) So amended by Ord. 2310, ap-
proved March 14, 1904, I 350.

Mar. 24, 1899
Id. § 6.

Laid out ac-
cording to
petition.

Ord. 1655,
Oct. 19, 1899.
§ 1. H. 265.

Shade trees.

Id. § 2.

To be soft
maple.
How set.

Ord. 1887,
June 27, 1901.
§ 1. I. 47.

Twelfth
Street lines
defined east
of East
Avenue.

ways, twenty (20) feet in width, for the purpose of permit-
ting crossing from one roadway to the other.

89. That the said street is hereby divided, established and
laid out as above in pursuance to the petition of property
owners owning land abutting on said street, between the points
aforesaid, which said petition is recorded in the office of the
City Clerk, of the City of Erie, in Select Council Minute Book
"W," at page 87.

90. That Tenth Street, from Cherry Street to Cranberry
Street, be improved by the owners of the abutting property,
as provided for in paragraph 47, of the Act of Assembly, of
May 23rd, 1889, by planting one row of shade trees on each
side of said street, in the lawns, eight (8) feet inside of the
curb lines; and the said street shall be further improved by
the City of Erie, by planting one row of shade trees through
the center of said street. The work to be done under the
supervision of the City Engineer.

91. That the trees to be planted in said street shall be of
the soft maple variety, and shall be of uniform size, measuring
not less than three and one-half inches in diameter, and twelve
feet in height, the lowest limbs to be at least nine feet above
the ground when set. The trees shall be spaced about thirty
(30) feet from center to center of trees; and it shall be the
duty of the City Engineer to notify the owners of property
abutting on the said street, of the provisions of this ordinance,
and to set stakes showing the locations in which trees are to
be set; and no person or persons shall be allowed to plant
trees in said street, except at the points designed by the stakes
set by the City Engineer. (a)

92. That the width of Twelfth Street, from East Avenue
eastwardly to the Eastern City Line, be and is hereby
established and fixed at eighty (80) feet, the center line of
said street between said points to be the line dividing Tracts
Numbers thirty-six and thirty-seven, and at East Avenue to
be one hundred and forty-four (144) feet south of the south

the same is hereby fixed and established at thirty-six (36) feet; with a lawn on each side sixteen (16) feet in width, and a walk eight (8) feet wide, with a lawn between each walk and the property lines eight (8) feet in width. (a)

Feb. 8, 1905
Ord. 25,
June 5, 1882.
§ 1. C. 38.

96. That on Twelfth Street, from French Street to East Avenue, the gutters shall be constructed sixteen feet out from the curb of the sidewalk, and said space of sixteen feet in width shall be laid out and improved as lawn in like manner as on Tenth Street in said city.

Lawns laid out from French Street to East Avenue
Id. § 2.

97. It shall be the duty of all owners of corner lots to extend their sidewalks at street intersections across said lawn to the gutter, and in case of default for the period of ten days after notice so to do, such person shall forfeit and pay to the City of Erie a fine of not less than ten dollars nor more than fifty dollars.

Extension of sidewalks at corner lots.
Penalty.
Ord. 552,
June 28, 1890.
§ 1. D. 390.

98. That from and after the passage of this ordinance, sidewalks on both sides of Twelfth Street, between State Street and French Street, shall be and are hereby established at the uniform width of twenty (20) feet; said sidewalks shall be constructed to that width by the property owners of adjoining property.

Width of sidewalk between State and French Streets.
Ord. 37,
Oct. 14, 1881.
§ 1. C. 52.

99. That the sidewalks of Twelfth Street, from State to Peach Street, shall be eighteen feet in width.

Width of sidewalk between State and Peach Street.
Ord. 1232,
Feb. 23, 1897.
§ 1. G. 323.

100. That from and after the passage of this ordinance, the width of the sidewalk on the south side of Twelfth Street, between Sassafras Street and Cranberry Street, shall be twelve (12) feet; and the width of the sidewalks and lawns on the north side of Twelfth Street, between Peach Street and Chestnut Street, shall be sixteen (16) feet, and the width between Chestnut Street and Walnut Street shall be seventeen and one-half (17½) feet, and the width between Walnut Street and Cranberry Street shall be sixteen (16) feet. The width of said walks to be measured from the north and south lines of said street. (b)

Width of sidewalk between Sassafras and Cranberry Streets.

(a) See *Infra* 96.

(b) So amended by Ord. 1524, approved Sept. 19, 1898, H 184. This supersedes Ord. 710, of Nov. 20, 1891, E 170.

A recapitulation of the foregoing ordinances relating to different parts of Twelfth street, and of such parts of the general sidewalk ordinance of July 13, 1880, as applies to streets one hundred ft. in width (for which see title "Sidewalks") shows the width, in feet, of the carriageway, lawns and sidewalks of said street to be as follows:

Twelfth street from the eastern line of the city to East Avenue, carriageway 40 ft., sidewalk on each side 8 ft. The inner edge of the sidewalk to be three feet from the property line, leaving a space of 9 ft. between the sidewalk and carriageway, on each side, presumably for lawns. From East Avenue to Parade street, carriageway 36 ft., sidewalk, on each side, 8 ft., lawns, on each side, 24 ft., viz: 16 ft. outside and 8 ft.

inside the sidewalk. From Parade to French street, carriageway 36 ft., lawn, on each side 16 ft., sidewalk, on each side, 16 ft. From French street to State street, carriageway 60 ft., sidewalk, on each side, 20 ft., no lawn. From State street to Peach street, carriageway 64 ft., sidewalk, on each side, 18 ft., no lawn. From Peach street to Sassafras street, carriageway 68 ft., sidewalk, on each side, 16 ft.; no lawn. From Sassafras street to Cranberry street, carriageway 72 ft., less the space occupied by the Bessemer & L. E. R. R., sidewalk and lawn combined, north side, 16 ft., sidewalk, south side, 12 ft. No lawn on the south side west of French street; exception is made in the block between Chestnut and Walnut streets where the north sidewalk is 17½ and the carriageway 70½ feet, less the railroad space.

The whole width of Twelfth street, including sidewalks and lawns is 80 ft. from the east line of the city to East Avenue and 100 ft. from East Avenue to the west line of the city.

Ord. 2034,
Aug. 16, 1902.
§ 1. I. 161.

Alley be-
tween
Twelfth and
Thirteenth
Streets, va-
cated from
Wallace
Street east-
wardly 188
feet.

Id. § 2.

When to
take effect.

Ord. 2289,
Jan. 13, 1904.
§ 1. I. 340.

Thirteenth
Street width
of roadway,
Parade to
Wayne
Street.

Ord. 2544,
Oct. 2, 1906.
§ 1. J. 137.

Opened from
State to
French
Street.

Id. § 2.

Damages
and benefits.

Ord. 941,
Mar. 16, 1894.
§ 1. E. 377.

101. That so much of the alley, running from Wallace Street to Ash Street, midway between Twelfth Street and Thirteenth Street, in the City of Erie, as lies between the east line of Wallace Street and a point one hundred and eighty-eight (188) feet eastwardly therefrom, be and the same is hereby vacated and set aside forever.

102. That this ordinance shall take effect and go into operation at such time as an alley, at least fifteen (15) feet in width, shall have been laid out and dedicated to public use, running from Twelfth Street southwardly one hundred and five (105) feet to an alley, the west line of said proposed alley to be one hundred and eighty-eight (188) feet eastwardly from the east line of Wallace Street, in said City, and parallel thereto. (a)

103. That the width of the roadway on Thirteenth Street, from the east curb line of Parade Street to the west curb line of Wayne Street be and the same is hereby established at twenty-eight (28) feet, fourteen (14) feet on each side of the center line of said Thirteenth Street as now laid out and established.

104. That Thirteenth Street, from State Street to French Street be and the same is hereby laid out, established and opened as a public highway as follows:—The south line of said street between said points to be three hundred forty-five (345) feet southwardly from the south line of Twelfth Street and parallel thereto, and the north line of said street between said points to be forty (40) feet, more or less, to the property line of the John Coates property, and parallel to, the south line of said street. (b)

105. Any and all damages which may be incurred by the opening of said street shall be paid, upon the final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of the opening of said street, shall be collected by, and paid to the City of Erie.

106. That Thirteenth Street between Peach Street and State Street be and is hereby laid out, opened and extended

107. That Thirteenth Street be and is hereby laid out, Nov. 12, 1873.
A. 419. opened and extended, commencing on Peach Street between the northwest corner of land owned by John Brabender, and the southwest corner of land owned by Mrs. A. W. Van Tas-sa, and extending between parallel lines commencing at said two points on Peach Street westwardly to Sassafras Street. Laid out from Peach to Sassafras Street.

108. That the carriageway of Thirteenth Street, between Peach Street and Sassafras Street, in the City of Erie, Pa., be and is hereby fixed at a uniform width of twenty-six (26) feet from curb to curb, leaving seventeen (17) feet on each side of said carriageway, for sidewalk and arbor culture. Ord. 547.
July 6, 1890.
§ 1. D. 391.

109. * * The name of Canal Street is hereby changed to Thirteenth Street; the name of Washington Street to Fourteenth Street; the name of Penn Street to Fifteenth Street; the name of Court Street to Sixteenth Street and the name of Ichabod Street to Seventeenth Street; and any extension of said streets that may hereafter be made shall be known and be designated by the numbers aforesaid, respectively. (a) Width of carriageway and sidewalk between Peach and Sassafras Street.
May 22, 1885.
A. 180.

110. That the width of the roadway of Fourteenth Street, from the east curb line of Parade Street to the west curb line of Ash Street be and the same is hereby established at thirty-two (32) feet; sixteen (16) feet on each side of the center line of said Fourteenth Street as now laid out and established. Ord. 2291.
Jan. 13, 1904.
§ 1. I. 341.

111. That Fourteenth Street be and is hereby laid out, opened and extended from Turnpike Street at a uniform width of 60 feet between the same lines that bound West Fourteenth Street between Peach and Sassafras Streets, on the north and south to German Street. (b) Fourteenth Street, Parade to Ash, width of roadways.
Nov. 18, 1878.
A. 423.

112. That the ordinance laying out, opening and extending Fourteenth Street, between Turnpike and German Streets, passed by Councils Nov. 17, 1873, and approved by the Mayor of said city on the 18th of November, 1873, be and the same is hereby so amended that the said Fourteenth Street, between said Turnpike and German Streets, is laid out, opened and extended as follows, to wit: Beginning at a point on the west line of German Street thirty feet north of the tract line dividing outlots Nos. 404 and 381, and extending on a line parallel with Twelfth Street westwardly to Turnpike Street, which shall constitute the north line of said street, and the south line of said street beginning at a point on the said west line of Laid out from Turnpike to German Street.
April 28, 1874.
A. 442.

(a) By resolution of the Council of the Borough of South Erie April 3, 1866, (Journal, pages 8 and 9) the name of "Ridge road" was changed to "South street."

By resolution of the Councils of the City of Erie April 25, 1870, (Select Council Minutes, Book D, page 407), it was ordered "That all streets running eastwardly and westwardly, parallel with Twelfth street and located on the line between Out Lots, shall be numbered regularly from Twelfth street southwardly, one number for each tier of Out Lots." [This seems to be the authority upon which the following changes have

been made in the names of streets, viz: "Buffalo" street changed to "Eighteenth" street, "Greene" street changed to "Nineteenth" street; "Monroe" street changed to "Twentieth" street; "Simpson" street changed to "Twenty-first" street; "Brown" street changed to "Twenty-second" street; "Washington" street changed to "Twenty-third" street; "Franklin" street changed to "Twenty-fourth" street; "Eagle" street changed to "Twenty-fifth" street; "South" street changed to "Twenty-sixth" street; "Water" street or "Arbuckle" road changed to "Twenty-eighth" street.]

(b) See *Infra* 112, 113.

Amendment.
Repeal.

- Apr. 23, 1874 German Street, thirty feet south of said line dividing outlots Nos. 404 and 381, and extending thence westwardly parallel with the said north line of said street and the said tract line to Turnpike Street aforesaid. And so much of any ordinance or supplement to an ordinance herewith conflicting is hereby repealed. (a)
- Jan. 9, 1874.
A. 428. 113. That Fourteenth Street is hereby laid out, opened and extended from French Street to Holland Street at a uniform width of sixty feet, its northern and southern boundary lines being extensions of the boundary lines of said Fourteenth Street as at present laid out, opened and extended by ordinances from Peach Street to said French Street.
- Ord. 29,
Aug. 23, 1882.
§ 1. C. 42. 114. That a street to be called Fourteenth Street be, and the same is hereby laid out, opened and extended from Peach Street to Turnpike Street in the City of Erie; said street to be 50 (b) feet in width, and the north line thereof, to be six hundred and eighty and eighty-eight one-hundredths (680.88) feet south of and parallel to the center line of Twelfth Street and the south line of said Fourteenth Street, fifty feet south of the north line and parallel thereto. (c)
- Nov. 12, 1873.
A. 418. 115. That Fourteenth Street be and is hereby laid out, opened and extended from Peach Street to Sassafras Street, commencing on Peach Street at the northwest corner of N. J. Clark's brick building, thence running south on said Peach Street 60 feet, and thence extending westwardly at a uniform width of 60 feet between parallel lines, commencing at the two points on Peach Street heretofore designated to Sassafras Street.
- Ord. 2652,
Nov. 15, 1905.
§ 1. J. 154. 116. That Fourteenth Street, from Cascade Street to Poplar Street, be and the same is hereby established and opened up as a public highway at a uniform width of sixty (60) feet; the center line of said Fourteenth Street from Cascade to Plum Street, to be the line dividing out-lots 361 and 416, and being 661.15 feet south of the south line of Twelfth Street; and the center line of said Fourteenth Street from Plum Street to Pop-

118. That Ritner Street, from Sassafras to Chestnut Street is hereby laid out and opened; the center line of said Ritner Street between the said points to be one hundred and sixty-five (165) feet northwardly from, and parallel to the south line of out lot number three hundred and seventy-four (374). (a)

Ord. 1654,
Oct. 19, 1899.
§ 1. H. 264.

Ritner
Street laid
out from
Sassafras to
Chestnut
Street.

119. * * * That a street to be called Fifteenth Street be and the same is hereby laid out and established, in said city, commencing on Peach Street, near the railroad depot, between outlots Nos. 375 and 376 (three hundred and seventy-five and three hundred and seventy-six), and running thence westwardly along the line between said out-lots and along the line between outlots Nos. 373, 374, 371 and 372, parallel to Twelfth Street, of said city, to Chestnut Street, said street to be sixty feet in width, one half of the width of said street to be taken from the land on each side of said line. (b)

July 6, 1898.
§ 1. A. 292

Fifteenth
Street, laid
out from
Peach to
Chestnut
Street.

(a) The City Solicitor, under date of June 24, 1899, reported to Councils as follows:—"In reply to your communication of May 15, 1899, in regard to the ownership of the land embraced on Ritner street, from Sassafras to Chestnut street, as to whether the same is a public highway and whether any railroad company has acquired any title to, or right-of-way over it, would state that after a careful examination of the records, I find that there was a public dedication of said land for said street, and that through block 374, from Sassafras to Myrtle street, said street was at one time open, and built up on both sides thereof, and that from Myrtle street to Chestnut street, the same was never open. I am of the opinion that the City of Erie can open said street between the points named at such time as they may see fit, and I am further of the opinion that no railroad company has acquired any title to or right-of-way over the same." Common Council Minute Book, X, page 228.

The Erie and North East R. R. Co. was granted the privilege, under certain conditions, of laying "two or three tracks on Ritner street for the purpose of giving them access to their wood house on Penn street, (15th street) etc., the city reserving the right to withdraw the privilege when the interests of the city require it, S. C. Journal A, page 41, Nov. 10, 1851.—This resolution was rescinded and repealed and the grant annulled and made void by resolution of Nov. 28, 1853, S. C. Journal A, page 222.

Citizens residing on Ritner street remonstrated against the occupancy of said street by the Railroad etc., S. C. Journal A, page 44, Nov. 17, 1851.

Resolved that the High Constable be directed to use strong measures to abate the nuisance on Ritner street caused by the Franklin Canal Co.—S. C. Journal

A, page 161, April 25, 1853.

The following resolution passed by Common Council.

"Resolved by the Select and Common Councils of the City of Erie, that Ritner street be continued west from Myrtle street to Chestnut street and adopted and accepted as a public street of the said city and to be known as Ritner street. February 4, 1856, Select Council amend by directing the Street Committee to have the streets surveyed and the lines marked. February 4, 1856, Common Council concur in the amendment," S. C. Journal A, page 387.

"Resolved by the Select and Common Councils of the City of Erie, that the Coppersmith heirs be allowed to bring Ritner street north of their lot to grade, providing said work be done without any expense to the city."

May 27, 1889, Common Council adopt, June 3, 1889, Select Council concur, approved by the Mayor June 8, 1889,—S. C. Journal N, page 298.

Resolution—"That the Superintendent of Streets be and is hereby directed to bring Ritner street to grade."

June 14, 1889, C. C. refer to Street Committee, June 24, 1889, Select Council concur, S. C. Journal N, page 342.

Report of Street Committee—"Recommending that the Street Superintendent be directed to bring Ritner street to grade."

July 8, 1889, C. C. adopt, July 9, 1889, Select Council concur, approved by the Mayor July 20, 1889. S. C. Journal N, page 363.

"Resolved, etc., That Ritner street between Sassafras street and Chestnut street be opened. Oct. 21, 1889, C. C. refer to City Solicitor, City Engineer and Superintendent of Streets, Nov. 4, 1889, Select Council concur," S. C. Journal N, page 557.

(b) See Infra 120.

Nov. 12, 1873.
A. 420.

Laid out
from Peach
to Cascade
Street.

Ord. 2551.
Nov. 15, 1906.
§ 1. J. 153.

Opened
from Cherry
to Poplar
Street.

Id. § 2.

Damages
and benefits.

April 13, 1870.
A. 335.

Sixteenth
Street, laid
out from
Peach to
Parade
Street

May 25, 1868.
§ 1. A. 294.

Laid out
from Peach

120. * * * That Fifteenth Street be and is hereby laid out, opened and extended commencing on Peach Street, between the southwest corner of the Morton House and another point on said Peach Street sixty feet north of said corner, and extending westwardly between two parallel lines starting at the said two points on Peach Street at a uniform width of sixty feet to Cascade Street.

121. That Fifteenth Street, from Poplar Street to Cherry Street be and the same is hereby established and opened up as a public highway at the uniform width of sixty (60) feet; the center line of said street to be the dividing line between out-lots Nos. 365 and 366.

122. Any and all damages which may be incurred by the opening of said Street shall be paid, upon the final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of the opening of said street, shall be collected by, and paid to the City of Erie.

123. That a new street be and the same is hereby laid out in said city, being an extension eastwardly from Peach Street as it now exists of Sixteenth Street, commencing on the east side of Peach Street with a width of forty-five feet, bounded north by the brick building now occupied by Joseph Serr as a furniture store, and on the south by a lot belonging to Jacob Butt, and extending with the same width eastwardly parallel with Twelfth Street, to State Street, and commencing again on the east side of State Street with a width of sixty feet at such point as in a direct line with that part of Sixteenth Street, heretofore established, and now existing west of Peach Street, and extending thence eastwardly in a direct line with Sixteenth Street west of Peach Street, and parallel with Twelfth Street to Parade Street, and to be called Sixteenth Street. (a)

124. That a street to be called Sixteenth Street, be and

at the corner of land owned by Gen. D. B. McCreary, at a Nov. 18, 1873
uniform width of sixty feet (a)

126. That Sixteenth Street, from Chestnut to Plum Street, Ord. 2317,
Mar. 17, 1904.
§ 1. I. 361.
be widened to the uniform width of sixty (60) feet, the north,
center and south lines of said street between said points to be Widened to
60 feet from
Chestnut to
Plum
Streets.
Id. § 3.
direct continuances, respectively of the north, center and south
lines of said street as they now exist east of Chestnut Street.

127. That any damages which may be finally adjudged Damages
and benefits.
Id. § 3..
in favor of owners of abutting property shall be paid to such
owners by the City of Erie, and any benefits which may be
assessed against abutting property shall be collected by and
paid to the City of Erie.

128. That all ordinances, or parts thereof, relating to the Repeal.
width or establishment of Sixteenth Street, between Chestnut
and Plum Streets, be and they are hereby repealed. (b) Ord. 2528,
June 15, 1906.
§ 1. J. 117.

129. That Sixteenth Street, from Chestnut to Cherry Opened from
Chestnut to
Cherry
Street.
Id. § 2.
Street, be and the same is hereby laid out, opened and ex-
tended at a width of forty (40) feet; thirty (30) feet of which
shall be taken off the north end of out lots numbers 291 and
294, and ten (10) feet of which shall be taken off the south
end of out lots numbers 369 and 368; the north and south lines
of said street between said points to be parallel with the line
dividing the said mentioned out lots.

130. The roadway in said street shall be twenty-four (24) Width of
roadway,
sidewalk
and lawn.
Id. § 3.
feet in width and located in the center of said street; the
sidewalks shall be six (6) feet in width, and outer lines of the
same shall be one (1) foot distant from, and parallel with, the
outer lines of said street, with a lawn one (1) foot wide be-
tween the sidewalks and roadway.

131. Any and all damages incurred by said street opening Damages
and benefits.
shall be paid, upon final adjudication thereof, by the City of
Erie, and any and all benefits legally assessed shall be col-
lected by and paid to, the City of Erie. (c)

132. That Sunbury Street, as laid out and opened from Ord. 1200,
Dec. 11, 1896.
§ 1. G. 296.
Parade Street to Wallace Street, between Sixteenth and
Seventeenth Streets, in the City of Erie, Pa., according to the
plan of Drexel's sub-division of out-lots, recorded in deed book Sunbury
Street ac-
cepted.
27, page 79, in the office of the Recorder of Deeds in and for
the County of Erie, Pennsylvania, and being in out-lot No.
275, be and the same is hereby accepted by the City of Erie
as a public street and highway.

(a) See *Infra* 126, 128.

(b) See *Infra* 129.

Sixteenth street, 60 ft. wide, from
Plum street eastwardly 165 ft., its south
line being 275 northwardly from the
north line of Seventeenth street, and
parallel thereto, was conveyed to the
city by Wm. P. Hayes, et al, by deed
dated July 15, 1904, accepted by the city
July 30, 1904, S. C. Journal 1, page 258.

Sixteenth street, 60 ft. wide, from
Cherry street to Poplar street, its cen-
ter line being the line of Out Lots 295
and 365, and its south line being 275 ft.

from the north line of 17th street, was
conveyed to the city by Mary A. Starr,
et al, by deed dated Sept. 30, 1904, ac-
cepted by the city Oct. 13, 1904, Select
Council Journal 1, page 366.

For Viewers' award of damages aris-
ing from opening Sixteenth street be-
tween Poplar and Plum streets, see S.
C. Journal 2, page 87.

(c) For proceedings relative to assess-
ment of benefits and damages on Six-
teenth street between Walnut and
Cherry streets, see Select Council
Journal 2, page 211, Oct. 26, 1905.

Dec. 11, 1896
Id. § 2.

To be a public street;
width.
May 31, 1876.
A. 476.

Seventeenth
Street laid
out from
Parade to
Wallace
Street.

April 21, 1870.
A. 336.

Laid out
from State
to Parade
Street.

May 27, 1873.
A. 336.

Laid out
from Peach
to State
Street.

Repeal.

July 6, 1868.
§ 1. A. 295.

Laid out
from Peach
to Liberty
Street.

133. That the said Sunbury Street be and it is hereby constituted a street of the City of Erie, between the points above named; said street to have a uniform width of thirty (30) feet.

134. That Seventeenth Street in said city be opened and extended eastwardly from Parade Street to Wallace Street, to the width of sixty feet, and the same is hereby declared to be opened and extended from Parade [Street] eastwardly to Wallace Street sixty feet wide.

135. That a new street is hereby laid out and established in said city to be called Seventeenth Street, and to be a continuation of Seventeenth Street eastwardly from Peach Street to Parade Street, commencing on the east side of Peach Street on a direct line with that part of Seventeenth Street which is west of Peach Street, with a width of sixty (60) feet, and extending with the same width eastwardly from State Street, parallel with Twelfth Street of said city to Parade Street. The center of said street being on the line between outlots Nos. 277, 278, 279, 280, 281 and 282, and through the center of outlots Nos. 283 and 284 of the outlots of the Town of Erie, as originally laid out, thirty feet on each side of said line to be taken into said street. (a)

136. That East Seventeenth Street be laid out and opened between Peach and State Streets at a uniform width of fifty feet, the north and south lines thereof to be extensions of the north and south lines of West Seventeenth Street, and any part of the ordinances laying out East Seventeenth Street from Peach Street to Parade Street, approved by the Mayor on the 21st day of April, A. D. 1870, inconsistent herewith is hereby repealed.

137. That a new street, to be called Seventeenth Street, be and the same is hereby laid out and established in said city, commencing on Peach Street, on the line between out-lots of the Town of Erie Nos. 285 and 286 (two hundred and eighty-five and two hundred and eighty-six), and running thence

139. That the roadway on Seventeenth Street, from the west line of Peach Street to the east line of Cascade Street, be and is hereby established at the uniform width of twenty-eight (28) feet; said width to be computed from curb to curb.

Ord. 895,
Sept. 21, 1893.
§ 1. E. 330.

140. That all poles on the north side of Eighteenth Street, between Wallace Street, extended, and Perry Street, extended, shall be so placed that the south side of each of said poles shall be one (1) foot and six (6) inches from the north side of the stone curbing on said street, between the points aforesaid. (a)

Width of
carriageway
from Peach
Street to Cascade
Street.
Ord. 1794,
Nov. 27, 1900.
§ 1. H. 367.

141. That the carriageway of West Eighteenth Street, from Peach Street to Liberty Street, in the City of Erie, Pa., be and is hereby fixed at a uniform width of thirty-two feet from curb to curb, and the sidewalk on each side of said street between the streets aforesaid, be and is hereby fixed at a uniform width of nine (9) feet including the curb.

Eighteenth
Street; loca-
tion of poles
between
Wallace and
Perry Street.
Ord. 515,
June 5, 1890.
§ 1. D. 362.

142. That Nineteenth Street, from Commercial Street to Brandes Avenue be and the same is hereby established and opened as a public highway, at the uniform width of sixty (60) feet; the south line of said street to be two hundred and ten (210) feet northwardly from, and parallel with the north line of Twentieth Street, between the said points. (b)

Eighteenth
Street;
width of
roadway
from Peach
Street to Liberty
Street.
Ord. 2378,
Aug. 18, 1904.
§ 1. J. 28.

143. Any and all damages which may be incurred by the opening of said street shall be paid, upon final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of opening said street shall be collected by, and paid to the City of Erie.

Nineteenth
Street
opened from
Commercial
to Brandes
Street;
width.
Id. § 2.

144. That Nineteenth Street be and the same is hereby laid out, opened and extended from French Street to East Avenue, at a uniform width of sixty feet, with its center line three hundred and thirty feet from the center line of Eighteenth Street as at present laid out and opened, and parallel thereto. (c)

Damages
and benefits.
June 24, 1874.
§ 1. A. 448.

145. That Nineteenth Street, in the City of Erie, be and is hereby laid out, opened and extended from Wayne Street eastwardly to Buffalo Street, at a uniform width of sixty (60) feet, and in such manner that the center line of said Nineteenth Street shall be three hundred and thirty (330) feet south of the center line of Eighteenth Street and parallel thereto. (d)

Laid out
from French
Street
to East Ave-
nue.
Ord. 627,
April 1, 1891.
§ 1. E. 91.

146. That the damages sustained by the laying out, opening and extending said street as aforesaid, shall be and are hereby made payable by assessments upon the property which

Id. § 2.
Damages,
how as-
sessed.

(a) For widening of Buffalo road at angle with 18th street, see agreement of Oct. 17, 1904, between the city and the Erie Electric Motor Company, in the City Controller's office.

(b) Nineteenth street, 60 ft. wide, from Brandes street eastwardly 33.5 ft., more or less, to the eastern boundary of the city, its south line at Brandes street being 480 ft. northwardly from the north line of the Buffalo road, was conveyed to the city by J. M. Sherwin, executor of James Gaskell, deceased, by deed

dated July 28, 1904, accepted by the city Sept. 2, 1904, (S. C. Journal 1, page 306.) See *Infra* 145.

(c) See *Infra* 145 to 151, inclusive.

(d) See *Supra* 144, Nineteenth street, 60 ft. in width, from Ash street to Wayne st., was conveyed to the city by Chas. W. J. Wm., and Anna M. Ryan, by deed dated May 25, 1900, accepted by the city May 31, 1900, (S. C. Journal X, page 196 A), recorded July 25, 1900, in Deed Book 129, page 752.

April 1, 1891 may be benefited by said laying out, opening and extending of said street.

Ord. 1981,
Mar. 19, 1902.
§ 1. I. 121

Opened from
Parade to
Ash Street.

147. That Nineteenth Street be and the same is hereby laid out, opened and extended from Parade Street to Ash Street, at a uniform width of sixty feet, with its center line three hundred and thirty feet southwardly from the center line of Eighteenth Street, as at present laid out and opened, and parallel thereto. (a)

Id. § 2

Damages
and benefits.

April 2, 1867.
§ 1. S. E.
Boro. ord. 25.

Opening of
Nineteenth,
Twentieth,
Twenty-first,
Twenty-second,
Twenty-third,
Twenty-fourth
and Twenty-fifth
Streets,
between
State and
Parade
Streets.

148. If it shall be legally determined that any property is damaged in any sum by the opening of said street, the amount of such damages so determined shall be paid to the owner of such property by the City of Erie, and if any benefits shall be legally assessed against any property specially benefited by the opening of said street, such benefits shall be paid to the City of Erie by the owner of such property. (b)

149. That such parts of Greene (now Nineteenth) Street, Monroe (now Twentieth) Street, Simpson (now Twenty-first) Street, Brown (now Twenty-second) Street, Washington (now Twenty-third) Street, Franklin (now Twenty-fourth) Street, and Eagle (now Twenty-fifth) Street between State and Parade Streets, in said Borough of South Erie, as have not been opened heretofore shall be immediately opened to the full width of sixty feet. (c)

Ord. 2021,
Jan. 28, 1902
§ 1. I. 215.

Nineteenth
Street
opened be-
tween
French and
Holland
Streets.

150. That Nineteenth Street, from French to Holland Street, shall be laid out, established and opened on the piece or parcel of land described as follows, to wit:

Beginning at a point in the east line of French Street two hundred and seventy-five (275) feet south of the south line of Eighteenth Street; thence eastwardly parallel with the south line of Eighteenth Street to the west line of Holland Street; thence southwardly along the west line of Holland Street forty-five (45) feet; thence westwardly parallel with the south line of Eighteenth Street four hundred and ten (410)

152. That such parts of Greene (now Nineteenth) Street, ^{April 4, 1886.} Monroe (now Twentieth) Street, Franklin (now Twenty-Boro, ord. 7. ^{§ 1. S. E.} fourth) Street, and Eagle (now Twenty-fifth) Street, between ^{Opening} Peach and Chestnut Streets in said Borough of South Erie, ^{Nineteenth, Twentieth} as have not been opened heretofore, shall be immediately ^{Twenty-fourth and Twenty-fifth} opened to the full width of sixty feet. (a) ^{Streets between Peach and Chestnut Streets.}

153. That Nineteenth Street be and is hereby laid out, ^{May 20, 1873.} opened and extended from Poplar to Liberty Street at a uniform width of sixty feet. (b) ^{A. 394.}

154. *Whereas*, The land on which Nineteenth Street, between Peach Street and the western limits of the City of Erie ^{Nineteenth Street laid out from Poplar to Liberty Street.} is located, has been by the owners thereof heretofore dedicated ^{Aug. 17, 1881.} to the public use as a street, and whereas the whole of said ^{A. 580.} street so dedicated has never been formally accepted by the ^{Preamble.} City of Erie as a street; therefore be it ordained, etc., ^{Id. § 1.}

155. That the whole of Nineteenth Street in the City of ^{Accepted from Peach Street to the western limits of the city.} Erie, between the points aforesaid, be and the same is hereby ^{Id. § 2.} accepted as a public street. (c) ^{To be graded.}

156. That the Street Committee be and it is hereby authorized and directed to have the grade of said Nineteenth ^{June 24, 1874.} Street fixed and established, and as soon as the same is so ^{A. 448.} established that the said committee cause said street to be ^{Twentieth Street laid out from French to East Avenue.} immediately brought to said established grade.

157. That Twentieth Street is hereby laid out, opened and ^{Twentieth Street laid out from French to East Avenue.} extended from French Street to East Avenue at a uniform width of sixty feet, with the center line three hundred and thirty feet from the center line of said Nineteenth Street and parallel thereto. (d)

(a) See *Infra*, 154, 155, 167.

(b) See *Infra* 154, 155.

(c) See *Supra* 152, 153.

(d) Twentieth street, north half, from Perry street to Buffalo road as laid out by ordinance, approved June 24, 1874, A. 448, was conveyed to the city by Charles W. Ryan, trustee under the will of Catherine D. Saltsman deceased, by deed dated Oct. 31, 1903, accepted by the city Nov. 16, 1903, S. C. Journal Z, page 590, recorded Jan. 9, 1904, in deed Book 147, page 529.

Twentieth street, south side, 30 ft. in width, in Outlot 134, extending from Perry street to Buffalo road, about 400 ft.; as laid out by ordinance, approved June 24, 1874, was conveyed to the city by Rose J. Saltsman, by deed dated Jan. 25, 1898, accepted by the city Feb. 28, 1898, (S. C. Journal V, page 245), recorded March 10, 1898, in Deed Book 123, page 526.

Twentieth street, south half, as laid out by ordinance, 30 ft. in width, off the north side of outlot No. 147, from German street westwardly 248 ft. to the Joseph E. Nason land, also Twentieth street, south half, as laid out by ordinance, 30 ft. wide off the north side of outlot 143, from Parade street to Wal-

lace street, was conveyed to the city by T. A. Lamb, trustee, etc., for the estate of C. M. Reed, deceased, by deed dated April 23, 1904, accepted by the city May 5, 1904, S. C. Journal 1, page 134, recorded June 7, 1904, in Deed Book No. 150, page 169.

Twentieth street, between German and Parade streets, 60 ft. in width, along the lines prescribed by Ordinance of June 24, 1874, was conveyed to the city by Ed. J. Eichenlaub et. al., by deed accepted by the city Dec. 28, 1900, (S. C. Journal X, page 504), recorded Jan. 8, 1901, in Deed Book 133, page 283.

The N. Y. C. & St. L. R. R. Co., conveyed to the city a strip of land 30 ft. in width, running from German street to Parade street for the north half of Twentieth street, the said company reserving the right to lay a single track on such land with the right to continue the same across German street, and agrees that when said Twentieth street is paved, that in case such track is laid by first party, it, the said first party shall, at its own expense, pave, with material like that used on the rest of the street between the rails of said track, and for a distance or to a width of one foot on each side thereof. The

Ord. 1718,
May 22, 1900.
§ 1. H. 317.

Laid out
from Peach
to State
Street.

Ord. 1748,
July 19, 1900.
§ 1. H. 341.

Width of
carriageway
from Peach
to Chestnut
Street.

Ord. 2408,
Sept. 23, 1904.
§ 1. J. 37.

Crandall
Street;
width of
driveway,
lawns and
sidewalks.

Ord. 1614,
April 1, 1899.
§ 1. H. 239.

Brown's
Avenue;
width of
sidewalks.
Id. § 2.

Width of
lawns.

June 14, 1870.
A. 340.

Twenty-first
Street
laid out
from Parade
Street to
east line of
city.

158. That Twentieth Street be and is hereby laid out, opened and extended from Peach Street to State Street, at a width of sixty feet; the center line of said street to be a direct continuation of the center line of Twentieth Street, west of Peach Street.

159. That the width of the drive-way of Twentieth Street, from the west line of Peach Street to the east line of Chestnut Street, be and the same is hereby established at thirty (30) feet; fifteen (15) feet of said drive-way to be on each side of the center line of said street, between said points.

160. That the width of the drive-way on Crandall Street be and the same is hereby established at twenty-four (24) feet; the width of walk and lawn space is hereby established at eight (8) feet on each side of said driveway, and the width of sidewalks is hereby established at four (4) feet, said walks to be located in the center of the aforesaid eight feet of walk and lawn space.

161. That the width of the sidewalks on each side of Browns Avenue, between Cherry and Cranberry Streets, be and is hereby fixed at six feet, the inside edge of each sidewalk to be three feet from the property line.

162. That the width of the lawns on each side of Browns Avenue, and between the sidewalks and roadway, be and the same is hereby fixed at fourteen (14) feet; the north line of the lawn on the north side of said street to be the south line of the sidewalk, and the south line of the lawn on the south side of said street to be the north line of the sidewalk.

163. That a new street be and the same is hereby laid out and established in said city to be called Twenty-first Street and to be a continuation of Twenty-first Street eastwardly from Parade Street to the eastern boundary of the city. The said street shall commence on the eastern line of Parade Street, the center thereof at a point in said line nine hundred and ninety feet and fifteen one-hundredths of a foot, southward from the point where the center line of Eighteenth Street

165. That the width of the carriage-way of Twenty-first Street, from Peach Street to Railroad Street, be and the same is hereby fixed at thirty (30) feet, the center line of said Twenty-first Street, between Peach Street and Railroad Street, to be a prolongation of the center line of Twenty-first Street, west of Peach Street.

Ord. 1514,
July 25, 1898.
§ 1. H. 170.

Width of
carriageway
between
Peach and
Railroad
Streets.

166. That Brown (now Twenty-second) Street, between Peach and Chestnut Streets, and Simpson (now Twenty-first) Street, between Peach and Myrtle Streets, be immediately opened to the width of sixty feet.

April 3, 1886.
§ 1. S. E.
Boro. ord. 2.

Opening of
Twenty-first
and Twenty-
second

167. That the sidewalks on each side of Twenty-first Street from Peach Street to Chestnut Street be and are hereby established at the uniform width of nine (9) feet; the inner line of said sidewalks to be the line of the lots abutting upon said street. That between the outer line of said sidewalk and the curb line of the roadway, there shall be a space reserved for lawn purposes six (6) feet in width, in which shade trees may be planted, and which said lawn shall be cared for and sodded by the owners of property abutting thereon, and opposite thereto. (a)

Streets from
Peach Street
westwardly.

Ord. 372.
Aug. 16, 1893.
§ 1. E. 324.

Width of
sidewalk
and lawn
from Peach
Street to
Chestnut.

168. That the width of the carriage-way of 21st Street, from the west line of Peach Street to the east line of Chestnut Street, be and the same is hereby fixed at twenty-eight feet, from curb to curb; the center line of said Twenty-first Street to be three hundred and thirty (330) lineal feet distance from and parallel to the center line of Twenty-second Street, between the above named points.

Ord. 1381.
July 22, 1897.
§ 1. H. 33.

Width of
carriageway
from Peach
Street to
Chestnut

169. That Twenty-first Street, from Cherry Street to Liberty Street be, and the same is hereby laid out, opened and extended at a uniform width of sixty (60) feet, the south, center and north lines thereof to be direct continuances respectively of the south, center and north lines of said Twenty-first Street, as it now exists west of Liberty Street.

Ord. 2118,
Feb. 4, 1903.
§ 1. I. 217.

Laid out
from Cherry
Street to
Liberty
Street.

170. If any benefits shall be assessed against abutting property for benefits specially accruing to such property by reason of the opening of said street, the same shall be paid to the City of Erie, and if any damages be finally judicially determined in favor of owners of such property, the same shall be paid by the City of Erie.

Id. § 2.
Benefits and
damages.

171. That Twenty-second Street, as the same has been laid out and opened from Warfel Avenue to the eastern limits of the City of Erie by the map or plan known as the Warfel Addition to the City of Erie, be and is hereby accepted as a public street and highway; the said street between the points mentioned, to be of the uniform width of fifty (50) feet.

Ord. 567,
Nov. 18, 1890.
§ 1. E. 35.

Twenty-second
Street
laid out
from Warfel
Avenue to
east line of
city.

172. That Twenty-second Street, from Ash Street to Wayne Street, in the City of Erie, as dedicated to public use by the owners thereof, is hereby accepted as a public Street.

Ord. 360,
Sept. 25, 1888.
D. 170.

Accepted
from Ash to
Wayne
Street

June 24, 1874.
§ 3. A. 448.

Laid out
from French
Street to P.
& E. R. R.

173. That Twenty-second Street is hereby laid out, opened and extended from French Street to the Philadelphia & Erie Railroad at a uniform width of sixty feet, with its center line three hundred and thirty feet from the center line of Twenty-first Street, as at present laid out and opened, and parallel thereto. (a)

Ord. 1004,
Sept. 5, 1894.
§ 1. G. 64.

Laid out
from Cherry
to Poplar
Street.

174. That Twenty-second Street, from Cherry Street to Poplar Street, be and is hereby laid out, opened and extended at the uniform width of sixty (60) feet; the center line of said street to be thirteen hundred and twenty and two-tenths (1,320.2) feet distant from and parallel to the center line of Eighteenth Street, as the same is now laid out.

Ord. 2087.
Nov. 11, 1902.
§ 1. I. 187.

Laid out
from Poplar
to Liberty
Street.

175. That a street, to be called Twenty-second street, shall be and is hereby laid out, established and opened from Poplar Street to Liberty Street at a uniform width of sixty feet, the center line thereof to be the line dividing out lots numbers one hundred (100) and one hundred and sixty-five (165). Said street to be a direct continuation of Twenty-second Street as it exists east of Poplar Street and west of Liberty Street.

Id. § 2.
Benefits and
damages.

176. The benefits assessed, if any, against abutting property specially benefited by said opening shall be paid to the City of Erie as assessed, and the damages, if any, caused by said opening, shall be paid by the City of Erie to the owners of properties thus damaged.

Aug. 3, 1870.
A. 348.

Twenty-
third Street
laid out
from State
Street to
east line of
city.

177. That a new street be and the same is hereby laid out and established in said city to be called Twenty-third Street (b), and to be a continuation eastwardly from State Street of the now existing Twenty-third Street west of State Street. And said eastern extension of Twenty-third Street shall commence at the eastern line of State Street, the center thereof at a point in said eastern line sixteen hundred and fifty feet and twenty-five one hundredths of a foot southward from the

taken from the land on each side of said center line of the street hereby extended and laid out. (a)

178. That Twenty-third Street (c) is hereby laid out, ^{June 24, 1874.} § 4. A. 443. opened and extended from State Street to the Philadelphia & Erie Railroad, at a uniform width of sixty feet, with its center line three hundred and thirty feet from the center line of said Twenty-second Street, and parallel thereto. ^{Laid out from State Street to P. & E. R. R.}

179. That Twenty-third Street, from Parade to Wallace Street is hereby laid out, established and opened at a uniform width of sixty feet, the north, center and south lines of said proposed street to be direct continuances, respectively, of the north, center and south lines of said street west of Parade Street. (b) ^{Ord. 2227, Oct. 29, 1903.} § 1. I. 331. ^{Laid out from Parade to Wallace Street, 60 feet wide.}

180. All damages incurred, in the opening of said street shall be paid by the City of Erie, upon final adjudication of the same, and all benefits specially accruing to property because of such opening shall be paid to said city. ^{Id. § 2.} ^{Damages and benefits.}

181. (c) That a street to be called Twenty-third Street be and the same hereby is laid out and opened, extending from State Street to French Street, in the City of Erie, said street to be sixty feet in width, and to be formed by extending the north and south lines of Twenty-third Street as existing between Peach and Sassafras Streets, easterly parallel with Twenty-first Street, and the space between said lines from State to French Street to be Twenty-third Street. (d) ^{Ord. 103, Feb. 27, 1884.} § 1. C. 147. ^{Laid out from State Street to French Street}

182. That Crommel Avenue, from Cherry Street westwardly 332 feet be laid out, established and opened as a public highway, as follows, to wit: The north line of said Crommel Avenue to be parallel with and distant two hundred and nine (209) feet southwardly from the south line of Twenty-third Street; said Crommel Avenue to have a uniform width of sixty (60) feet from the west line of Cherry Street westwardly 332 feet. ^{Ord. 2100, Dec. 4, 1902.} § 1. I. 197. ^{Crommel Avenue, laid out.}

(a) See Infra 178 to 181, inclusive. "Jacob Warfel and Phebe J. Warfel, his wife:

"Deeded to the City of Erie the following described portions of land, 60 ft. in width, that it is to say, 30 ft. wide from the center line of streets, for the opening of—

"Brandes street, Twenty-eighth to Railroad street.

"Twenty-third street, East avenue to Railroad street.

"Twenty-sixth street, East avenue to city limits.

"Twenty-fourth street, East avenue to Railroad street.

"Pennsylvania avenue, 28th street to Railroad street."

Accepted May 25, 1891, S. C. Journal P, page 181.

(b) For Report of Viewers in the matter of widening 23rd and 24th streets

from Parade to Wallace streets, and Wallace street between 23rd and 24th sts., see Select Council Journal 1, page 99, and 39 Feb. Term 1904, in Court Com. Pleas of Erie Co.

(c) See Supra 149.

A strip of land 30 ft. wide, running from State street eastwardly 165 ft., for the north half of 23rd st., was conveyed to the city by Joseph Eichenlaub's executors, by deed dated March 2, 1887, recorded in Deed Book 86, page 685. (This deed refers to dedication of the south half of this street by James Sill and J. Gunnison.)

Geo. W. Barton and wife conveyed to the city a strip of land, 60 ft. in width, for the east half of 23rd street, between State and French streets, by deed dated Oct. 5, 1886, recorded in Deed Book 87, page 542.

Loc. 4. 1902
Id. § 2.
Benefits and
damages.

June 24, 1874.
§ 5. A. 448.

Twenty-
fourth
Street laid
out from
French
Street to
P. & E. R. R.
Ord. 2238.
Oct. 29, 1903.
§ 1. I. 322.
Opened from
Parade to
Wallace
Street.

Id. § 2.
Damages
and benefits.

Ord. 953
Mar. 19, 1894.
§ 1. G. 5.

Laid out
from Peach
to State
Street.

183. If any benefits shall be assessed against the owners of abutting property, the same shall be paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

184. That Twenty-fourth Street is hereby laid out, opened and extended from French Street to the Philadelphia & Erie Railroad, at a uniform width of sixty feet, with its center line three hundred and thirty feet from the center line of said Twenty-third Street and parallel thereto. (a)

185. That Twenty-fourth Street, from Parade to Wallace Street, is hereby laid out, established and opened at a uniform width of sixty feet, the north, center and south lines of said proposed street to be direct continuances, respectively, of the north, center and south lines of said street west of Parade Street.

186. All damages incurred, in the opening of said street shall be paid by the City of Erie, upon final adjudication of the same, and all benefits specially accruing to property because of such opening shall be paid to said city.

187. That Twenty-fourth Street in the City of Erie be and is hereby laid out, opened and extended from Peach Street to State Street at a uniform width of sixty (60) feet; the center line of said street to be three hundred and thirty (330) feet northwardly from the center line of Twenty-fifth Street, and the north and south lines of said street between State and Peach Streets to be the north and south lines extended of said street as the same is now laid out from Peach Street westwardly. (b)

J. Antoinette Arbuckle, and R. H. Arbuckle, her husband, conveyed to the city a strip of land 30 ft. wide, for the north side of 24th street, between German and Parade streets, by deed dated

Twenty-fourth street, between French and Holland streets, 60 ft. in width, was conveyed to the city by Fred Koehler and Jacob Schaal, by deed dated Aug. 9, 1886.

188. That Twenty-fifth Street in the City of Erie, be and the same is hereby laid out and opened from East Avenue eastwardly (a) to the eastern limits of the City of Erie; said opening to be in such manner that the north and south lines of Twenty-fifth Street as at present laid out westwardly from East Avenue, extended in a direct line, shall form the north and south lines of said Twenty-fifth Street between East Avenue and the city limits.

Ord. 531,
July 5, 1890.
§ 1. D. 356.
Twenty-fifth
Street laid
out from
East Avenue
to the east-
ern limits of
the city.

189. That Twenty-fifth (b) Street is hereby extended, laid out and established from French Street to East Avenue, at a uniform width of sixty feet, the center thereof being three hundred and sixty feet north of the center of Twenty-sixth Street and parallel thereto. (c)

June 24, 1873.
A. 434.
Laid out
from French
Street to
East Avenue.

190. That the width of the carriage-way of Twenty-fifth Street, from the east line of Parade Street, to the eastern city limits, be and the same is hereby established at thirty-six feet, from curb to curb.

Ord. 2198.
June 9, 1903.
§ 1. I. 286.
Width of
carriageway
east of Par-
ade Street.

191. That Twenty-fifth Street, from Myrtle to Chestnut Street, be and the same is hereby opened, extended and laid out as follows, to wit: The south line of said Twenty-fifth Street, between said points, shall be the line dividing out lots Nos. Twenty-five and Twenty-six, and the north line of said street, between the said points, shall be a line parallel with said out lot line, and distant fifty-three and 18-100 (53.18) feet northwardly therefrom. (d)

Ord. 2040.
Sept. 4, 1902.
§ 1. I. 171.
Opened be-
tween Myr-
tle and
Chestnut
Streets.

(a) See Act of June 28, 1871, vacating parts of 22nd, 23rd, 24th and 25th streets, P. L. 1383.

(b) See Supra 149.

(c) Twenty-fifth street from Wayne to Perry street, about 60 ft. in width, was conveyed to the city by Catherine D. Saltsman, according to proceedings in No. 71 Sept. Term 1892, by deed dated July 18, 1893, recorded July 18, 1893, in Deed Book 106, page 521.

Twenty-fifth street, between German and Parade streets, the north half of this street was conveyed to the city by John W. Shannon and wife, by deed dated July 25, 1890, recorded in Deed Book 98, page 507.

Rose J. Saltsman conveyed to the city a 30 ft. strip of land for the south half of 25th street, between German and Parade streets, as laid out by Ordinance, approved June 24, 1873, by deed dated Feb. 16, 1898, accepted by the city Mar. 22, 1898, (S. C. Journal V, page 263), recorded July 11, 1898, in Deed Book 125, page 34.

For proceedings to assess damages and benefits for the opening of 25th street, between German and Parade streets, see No. 12—May Term 1898.

25th street, 60 ft. in width from Holland street eastwardly 330 ft., the center

thereof being 360 ft. northwardly from the center of 26th street, as ordained by Ordinance of June 24, 1873, was conveyed to the city by Fanny D. Galbraith, by deed dated July 14, 1903, accepted by the city Aug. 17, 1903, (S. C. Journal Z, page 475 B).

Twenty-fifth street, 60 ft. in width, between French and Holland streets, was conveyed to the city by Fred Koehler and Jacob Schaal, by deed dated Aug. 9, 1886.

Twenty-fifth street, from French street to Mill Creek, Frank Siegel and wife, by permit dated March 2, 1891, recorded in Deed Book 100, page 38, granted the city the privilege of building a sewer therein.

(d) For release from damages, see Select Council Journal 1, page 190, June 16, 1904.

Twenty-fifth street, 53.18 feet wide, from Myrtle street westwardly 165 ft., its south line being the line dividing Out Lots 25 and 26, was conveyed to the city by M. A. Krug, et al, trustees for St. Mary's church, of Erie, Penn'a., by deed dated March 28, 1904, accepted by the city March 31, 1904,—Select Council Journal 1, page 95, recorded June 7, 1904, in Deed Book Vol. 150, page 181.

- Sept. 4, 1902**
Id. § 2.
Benefits and
damages.
192. Any benefits which may be adjudged as specially accruing to any abutting property by reason of the opening of said street shall be paid to and collected by the City of Erie, and any damages which may result therefrom, in excess of such benefits, shall be paid to the owner or owners of such property damaged, by the City of Erie.
- Ord. 755,**
Sept. 26, 1892.
§ 1, E. 222.
Laid out be-
tween Liber-
ty and Cas-
cade Streets.
193. That Twenty-fifth Street, in the City of Erie, be and is laid out and opened, between Liberty Street and Cascade Street, in the manner following, to wit: Said street shall be of the uniform width of sixty (60) feet, and the center line of said street shall be four thousand three hundred and forty-two and ninety-nine one-hundredths (4,342.99) lineal feet south of the center line of Twelfth Street, and parallel thereto.
- May 27, 1870.**
§ 1, A. 338.
Twentysixth
Street laid
out from
State Street
to East
Avenue.
194. That Twenty-sixth Street from east line of State Street eastward to East Lane be and the same is hereby laid out and established to be, and shall be of the uniform width of sixty feet between the points aforesaid; and the north line thereof shall commence at the southwest corner of outlot No. 19, of the Town of Erie, as originally laid out, and shall extend thence eastward on and along the south line of said outlot, and the south line of outlots Nos. 17, 16, 13, 9, 8, 5, 4 and 1, to East Lane; and the sixty feet in width of said street shall be measured southward from said north line thereof, and at right angles with the same.
- Sept. 12, 1871.**
§ 1, A. 368.
Width and
lines defined
between
State and
Cherry
Streets.
195. That Twenty-sixth Street be made of the width described below, between State Street and Cherry Street, viz.: Bounded northwardly by the south line of the outlots, and always parallel with Twelfth Street, and bounded on the south by a line beginning at the east line of Cherry Street seventy (a) feet southwardly from the north line of Twenty-sixth Street, as above described, running thence eastwardly parallel with Twelfth Street to the center of Sassafraß Street; thence deflecting southwardly from a line parallel with Twelfth Street to the west line of Peach Street, produced at a point one hundred feet (measured at right angles to the

196. Said street to be called Twenty-sixth Street, and the curb-stones along the north line of said street to remain as now established, between Peach and Chestnut Streets, and those along the south line between said points to be set to correspond with those on the north line; the curb-stones between Peach and State Streets to be at a distance of sixteen feet from the northern and southern boundaries, and those west of Chestnut Street at the distance of twelve feet from the northern and southern boundaries of said street. (a)

Sept. 12, 1871
Id. § 2.

Width of
sidewalk.

May 27, 1873.
A. 408.

197. That West Twenty-sixth Street, between the center of Chestnut Street and the center of Cherry Street be, and is hereby reduced to a width of sixty feet from its present width of seventy feet, by taking ten feet off the south side thereof, and so much of any ordinances heretofore passed conflicting herewith is hereby repealed.

Width of
street re-
duced be-
tween Chest-
nut and
Cherry
Streets.
Repeal.

Ord. 1788,
Oct. 16, 1900.
§ 1. H. 362.

198. That the width of the drive-way in Twenty-sixth Street, from the east curb line of Peach Street to the west curb line of State Street, be and is hereby fixed at thirty-eight (38) feet; the north line of said drive-way to be twenty-one (21) feet south of the north line of said street, and the south line of said drive-way to be fifty-nine (59) feet south of the north line of said street.

Width of
carriageway
between
State and
Peach
Streets.

June 24, 1874.
§ 7. A. 449.

199. That Twenty-seventh Street is hereby laid out, opened and extended from Parade Street to the eastern city limits at a uniform width of sixty feet, with its center line three hundred and thirty feet from the southern line of Twenty-sixth Street, as at present laid out, opened and extended and parallel thereto.

Twenty-
seventh
Street laid
out from
Parade
Street to the
east line of
city.

Ord. 1145,
Oct. 29, 1895.
§ 1. G. 181.

200. That Twenty-seventh Street between Parade and Holland Streets, be and is hereby laid out, opened and extended at a uniform width of sixty (60) feet; the center line of said Twenty-seventh Street to be Three Hundred and Thirty and Five-tenths (330.5) feet south of the south line of Twenty-sixth Street and parallel thereto; the distance from the center line of Parade Street to the center line of Holland Street to be Fourteen Hundred and Sixty-three (1,463) feet. (b)

Opened be-
tween Par-
ade and Hol-
land Streets.

201. That a street to be known as Twenty-seventh Street, be and the same is hereby laid out, established, opened and extended in the City of Erie, from Liberty Street westwardly one hundred and sixteen (116) feet, more or less, at a uniform width of forty (40) feet, so that the south line thereof shall be a direct connection with the south line of 27th Street as it now exists westwardly from, and connecting with, said proposed street.

Ord. 1971,
Feb. 25, 1902.
§ 1. I. 107.

Opened
from Liber-
ty Street
west 116 feet.

(a) See Infra 198.

(b) For proceedings to assess damages and benefits in the matter of opening 27th street, from its present terminus, between Holland and German streets to Parade street, see No. 53, Feb. Term 1901.

27th street, 60 ft. wide, commencing

at a point 225 ft. eastwardly from Holland street, and running thence eastwardly 78 ft., according to Ordinance of Oct. 29, 1895, was conveyed to the city by Davis Rees and wife, by deed dated Jan. 25, 1897, and accepted by the city March 29, 1897, (S. C. Journal U, page 312.)

Feb. 25, 1902.
Id. § 2.

Benefits and
damages.

202. Any damages assessed against the City of Erie in favor of owners of property taken for said street shall be paid by said city, and any benefits assessed against abutting property for special benefits accruing from the opening of said street shall be paid to the said city. (a)

Ord. 2113,
Jan. 8, 1902.
§ 1. I. 212.

Laid out
from Plum
Street to
west line of
city.

203. That Twenty-seventh Street, from Plum Street westwardly to the western city line be and the same is hereby laid out as a public highway, sixty (60) feet in width, the center line of which street shall be three hundred and thirty (330) feet southwardly from, and parallel with the center line of Twenty-sixth Street, between the said points. (b)

Id. § 2.
Benefits and
damages.

204. That any benefits which may be assessed against abutting property for the opening of said street shall be paid to the City of Erie, and any damages which may be adjudged in favor of owners of property taken therefor, shall be paid upon final determination of the same, by the City of Erie.

Ord. 1299,
Feb. 13, 1897.
§ 1. G. 320.

Opened from
Raspberry
Street west
370.24 feet.

205. That Twenty-seventh Street be and is hereby laid out and opened from Raspberry Street, westwardly in the manner following, to wit: beginning at a point in the west line of Raspberry Street two hundred and seventy (270) feet south of the south line of Twenty-sixth Street; thence westwardly, parallel with Twenty-sixth Street, three hundred and seventy and twenty-four one-hundredths (370.24) feet; thence southwardly parallel with Raspberry Street, sixty (60) feet; thence eastwardly, parallel with Twenty-sixth Street, three hundred and seventy and twenty-four one-hundredths (370.24) feet to the west line of Raspberry Street; thence northwardly, along the west line of Raspberry Street, sixty (60) feet to the place of beginning. The said street hereby laid out and opened being the same street dedicated to public use by the Bacon Sub-division, recorded in the office of the Recorder of Deeds in and for the County of Erie, in Map Book No. 1, at page 63—a quit-claim deed to which street has been executed to the City of Erie, by Charles E. Bacon and wife, and accepted by Councils on the 17th day of

of Twenty-sixth Street and parallel thereto; the distance from the center line of Parade Street to the center line of Holland Street to be Fourteen Hundred and Sixty-three (1,463) feet. (a)

Oct. 29, 1895

208. That a street, to be known as Twenty-eighth Street, be and the same is hereby laid out, established, opened and extended in the City of Erie, from Liberty Street westwardly one hundred and sixteen (116) feet, more or less, at a uniform width of sixty (60) feet, so that the north, center and south lines of said 28th Street, between the points aforesaid, shall be direct continuances, respectively, of the north, center and south lines of Twenty-eighth Street as it now exists westwardly from, and connecting with, said proposed street.

Ord. 1972,
Feb. 26, 1902.
§ 1. I. 108.
Opened from
Liberty
Street west
116 feet.

209. Any damages assessed against the City of Erie in favor of owners of property taken for said street shall be paid by said city, and any benefits assessed against abutting property for special benefits accruing from the opening of said street shall be paid to the said city.

Id. § 2.
Benefits and
damages.

210. That Twenty-eighth Street, from Plum Street westwardly to the Western city line, be and the same is hereby laid out, opened and extended as a public highway, at a uniform width of sixty (60) feet, the center line of said Twenty-eighth Street to be six hundred and thirty (630) feet southwardly from, and parallel with, the south line of Twenty-sixth Street. (b)

Ord. 2122,
Mar. 7, 1903.
§ 1. I. 233.
Laid out
from Plum
Street to
west line of
city.

211. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

Id. § 2.
Benefits and
damages.

212. That Twenty-eighth Street from Raspberry Street, westwardly, four hundred and Nineteen and seventy-four one-hundredths (419.74) feet, be and is hereby laid out and opened in the manner following, to wit: that the center line of said Twenty-eighth street shall be three hundred and thirty (330) feet southwardly from the center line of Twenty-seventh Street, and that the said Twenty-eighth Street shall have a uniform width of sixty (60) feet. The said street hereby laid out and opened being the same street dedicated to public use by the Bacon Sub-division, recorded in the office of the Recorder of Deeds in and for the County of Erie, in Map Book No. 1, at page 63—a quit-claim deed to which street has been executed to the City of Erie, by Charles E. Bacon and wife, and accepted by Councils on the 17th day of September, 1896. (c)

Ord. 1300,
Feb. 13, 1897.
§ 1. G. 321.
Laid out
from Rasp-
berry Street
west 419.74
feet.

213. That Twenty-ninth Street be laid out, opened and extended from a point One Hundred and Forty-seven (147) feet west of the west line of German Street eastwardly to the center of the French Road, a distance of Nine Hundred

Ord. 1146,
Oct. 29, 1895.
§ 1. G. 182.

Opening
29th Street
between
German
Street and
French Road

(a) 28th street, 60 ft. wide, from Holland street eastwardly 248 ft., was conveyed to the city by Joseph S. Scobell and wife, by deed dated July 30, 1901, accepted by the city Aug. 22, 1901,

(S. C. Journal Y, page 161), recorded July 2, 1903, in Deed Book 147, page 74.

(b) See Infra 212.

(c) Recorded in Deed Book 121, page 95. See Supra 210.

Oct. 29, 1896

and Ten (910) feet; said street to be opened at a uniform width of sixty (60) feet and in such manner that the center line thereof shall be Nine Hundred and Ninety and Ten one-hundredths (990.10) feet south from the center line of Twenty-sixth Street and parallel thereto.

Ord. 2122,
Mar. 7, 1903.
§ 1. I. 234.

Opened from
Hazel Street
to west city
line

214. That Twenty-ninth Street, from Hazel Street westwardly to the western city line, be and the same is hereby laid out, opened and extended as a public highway, at a uniform width of sixty (60) feet, the north, center and south lines of said Twenty-ninth Street to be direct continuances, respectively, of the north, center and south lines of said Twenty-ninth Street east of said Hazel Street. (a)

Id. § 2.

Benefits and
damages.

215. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

Ord. 1201,
Feb. 13, 1897.
§ 1. G. 322.

Laid out
from Rasp-
berry Street
west 419.74
feet.

216. That Twenty-ninth Street from Raspberry Street, westwardly, four hundred and nineteen and seventy-four one-hundredths (419.74) feet, be and is hereby laid out and opened in the manner following, to wit: that the center line of said Twenty-ninth Street shall be three hundred and thirty (330) feet southwardly from the center line of Twenty-eighth Street, and that the said Twenty-ninth Street shall have a uniform width of sixty (60) feet. The said street hereby laid out and opened being the same street dedicated to public use by the Bacon Sub-division, recorded in the office of the Recorder of Deeds in and for the County of Erie, in Map Book No. 1, at page 63—a quit-claim deed to which street has been executed to the City of Erie, by Charles E. Bacon and wife, and accepted by Councils on the 17th day of September, 1896. (b)

Ord. 1965,
Feb. 25, 1902.
§ 1. I. 106.

Twenty-sev-
enth and
Twenty-

217. That the street heretofore known as Twenty-seventh

219. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

Mar. 7, 1903
Id. § 2.
Benefits and damages.

220. That Thirty-first Street from Holland Street to the French Road, be and is hereby laid out, opened and extended at a uniform width of Sixty (60) feet, the center line of said Thirty-first Street as hereby laid out, opened and extended, to be distant southwardly from the center line of Twenty-sixth Street, six hundred and ninety-nine and nine tenths (1,699.9) feet and parallel thereto.

Ord. 1102.
Oct. 29, 1895.
§ 1. G. 186.

221. That Thirty-first Street, from Liberty Street westwardly to the western city line, be and the same is hereby laid out, opened and extended as a public highway, at a uniform width of sixty (60) feet, the center line of said Thirty-first Street to be six hundred and thirty (630) feet southwardly from, and parallel with the south line of Twenty-ninth Street, between said points.

Opening
Thirty-first
Street from
Holland
Street to
French
Road.
Ord. 2125.
Mar. 7, 1903.
§ 1. I. 236
From Liberty
Street to
west line of
city.

222. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

Id. § 2.
Benefits and damages.

223. That Thirty-second Street, from Cherry Street westwardly to the western city line, be and the same is hereby laid out, opened and extended as a public highway, at a width of about forty (40) feet, as shown by the official map of the Sixth ward; the north line of said Thirty-second Street to be parallel with and nine hundred and thirty (930) feet south from the south line of Twenty-ninth Street, and the south line of said Thirty-second Street, to be the southern city line.

Ord. 2126.
Mar. 7, 1903.
§ 1. I. 237.
Thirty-second
Street
laid out
from Cherry
Street to
west line of
city.

224. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

Id. § 2.
Benefits and damages.

STREETS RUNNING NORTHWARDLY AND SOUTHWARDLY.

225. That Brandes Avenue, from Nineteenth Street to the Buffalo Road be and the same is hereby established and opened up as a public highway at the uniform width of sixty (60) feet; the west line of said street to be six hundred and forty (640) feet eastwardly from and parallel with the east line of Pennsylvania Avenue, between the said points.

Ord. 2380.
Sept. 23, 1904.
§ 1. J. 34.

226. Any and all damages which may be incurred by the opening of said street shall be paid, upon final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of the opening of said street shall be collected by, and paid to the City of Erie.

Brandes
Avenue opened from
Nineteenth
Street to
Buffalo
Road.
Id. § 2.
Damages and benefits.
Ord. 586.
Sept. 6, 1890.
E. 18.

227. That Brandes Street, as laid out and recorded in the plan of the Warfel addition to the City of Erie from Buffalo Road southwardly to Warfel Avenue, be and is hereby

Brandes
Street accepted from
Buffalo Road
to Warfel
Avenue.

- accepted; the said street between the points above mentioned to be of a uniform width of sixty (60) feet. (a)
- Ord. 564.
Sept 6, 1890.
§ 1. E. 15.
Warfel Avenue; acceptance of from Buffalo Road to Twenty-third Street. Id. § 2.
Constituted a street.
228. That the City of Erie hereby accepts as a public street and highway, the street called Warfel Avenue, in the City of Erie, from Buffalo Road southwardly to Twenty-third Street, as the said Warfel Avenue is recorded in the so-called Warfel addition to the City of Erie.
229. That the said Warfel Avenue be and is hereby constituted a street of the City of Erie between the points above mentioned; said street to have a uniform width of sixty (60) feet. (a)
- Ord. 2004.
Dec. 6, 1902.
§ 1. I. 203
Commercial Street opened.
230. That a public highway, sixty (60) feet in width, to be known as "Commercial Street," be and the same is hereby laid out, opened and extended, between East and Pennsylvania Avenues, from Twentieth Street northwestwardly, parallel with and adjoining the right-of-way of the Philadelphia and Erie Railroad Company, to East Avenue. The said street shall pass under the track of the New York, Chicago and St. Louis Railroad Company, and a steel bridge with necessary masonry abutments shall be constructed carrying said track over said street. (b)

(a) Warfel avenue and Brandes street, so far as the same are within the limits of the city, as shown on the map, recorded in Deed Book 74, page 235, were conveyed to the City of Erie by Jacob Warfel and wife, by deeds dated Dec. 12, 1887.

Fulton street, 60x330 feet, between 9th and 10th streets, its west line being 280 feet eastwardly from the east line of Pennsylvania avenue, and parallel thereto, was conveyed to the city by D. A. Sawdey and Chas. H. Yeager and wife, by deed dated Oct. 1, 1902, ac-

Pennsylvania avenue.—Blanche McC. Selden and E. P. Selden, her husband, conveyed to the city, for Pennsylvania avenue, a piece of land 60 feet in width, from a point 100.45 feet north of Queen street southwardly 236 feet, by deed dated Feb. 8, 1904, conditioned that no part of the cost of the main sewer in said street be assessed against said parties. Accepted by the City of Erie Feb. 7, 1906. (Select Council Journal 2, page 323.)

Pennsylvania avenue, 60 feet wide, from the north line of the Lake road

231. Any damages assessed against the City of Erie in favor of owners of property taken for said street, shall be paid upon final determination of amounts, by the city, and any benefits assessed against abutting property for special benefits accruing from the opening of said street, shall be paid to the said city. (a)

Dec. 5, 1902
Id. § 2.

Assessment
of damages
and benefits.

232. That East Street (b), as at present laid out and opened from the Lake to Twelfth Street, one hundred feet wide and from Twelfth to Twenty-eighth Street, eighty feet wide, in the City of Erie, is hereby declared and adopted as a public street of said city.

Mar. 3, 1874.
A. 432.

East Avenue
adopted be-
tween Lake
Erie and
Twenty-
eighth
Street.

233. That East Avenue, from the Lake front to Twelfth Street, be and is hereby established at the uniform width of one hundred (100) feet; the roadway thereof from curb to curb to be fifty (50) feet in width, and the lawns on either side of said roadway to be fifteen (15) feet in width, and the sidewalk on each side of said street to be of a uniform width of ten (10) feet.

Ord. 900,
Oct. 2, 1898.
§ 1. E. 332.

Width of
carriageway,
lawn and
sidewalk
from Lake
front to
Twelfth
Street.

234. That the road-way in the center of East Avenue from Twelfth Street to Commercial Street, be and the same is hereby established and laid out at a width of forty-eight (48) feet; with a lawn on each side thereof six (6) feet in width, and sidewalks on each side of said lawn six (6) feet wide, and lawns four (4) feet in width between the property lines and the sidewalks.

Ord. 2461,
Mar. 11, 1905.
§ 1. J. 70.

Widths from
Twelfth to
Commercial
Street.

235. That East Avenue, which is now existing as a public highway eighty (80) feet in width, from the Buffalo Road northwardly to Commercial Street, be and the same is hereby vacated and abandoned, the land now occupied by said East Avenue between the points named to revert as provided by law.

Ord. 2055,
Mar. 10, 1903.
§ 1. I. 241.

Vacated
from Com-
mercial
Street to
Buffalo
Road.

236. Any benefits assessed by due process of law against the owners of abutting property, shall be paid by said owners to the City of Erie, and any damages assessed against the City of Erie in favor of owners of property specially damaged by the vacating of said street shall be paid upon final determination, by the City of Erie.

Id. § 2.

Benefits and
Damages.
Ord. 427,
Sept. 16, 1889.
§ 1. D. 261.

237. That East Avenue from Buffalo Road to Twenty-eighth Street, be and is hereby opened, straightened and altered to a uniform width of sixty (60) feet. (d)

Width re-
duced from
Buffalo
Road to
Twenty-
eighth
Street.

238. That the east line of said East Avenue from Buffalo Road to Twenty-eighth Street, shall be along the west line of Reserve Tract numbered Thirty-five, and parallel with Parade Street.

Id. § 2.

East line
defined.

(a) For proceedings to assess damages and benefits under this ordinance, see records of Court of Common Pleas of Erie Co. No. 164, May Term, 1903.

(b) Now East avenue.

(c) See Infra 233, 235.

(d) East avenue, 60 feet wide from Buffalo street to 28th street, was conveyed to the city by H. B. Plummer, et al., by deed dated July 24, 1889, re-

corded in Deed Book 94, page 597.

Perry street.—The "Ordinance to lay out, open and extend Perry street from Fifth street to Eighth street," approved Nov. 12, 1873, A 421, and Ordinance 454 amending the same, approved Oct. 13, 1889, D 273, were repealed by Ordinances 1497 and 1498, approved March 28, 1898, H 157 and 158, respectively.

Perry street, 60 feet in width, between

Ord. 2312.
April 13, 1904.
§ 1. J. 2.

Saltsman
Street from
Twenty-first
Street to
Buffalo
Road op-
ened; width.

Id. § 2.

Damages
and benefits.

Id. § 3.

Width of
roadway and
sidewalks.

Nov. 22, 1871.
A. 374.

Beech Lane
widened to
60 feet.

Name
changed to
"Wayne
Street".

Feb. 8, 1881.
A. 562.

Extended
northerly

239. That a new street, to be known as "Saltsman Street" be and the same is hereby laid out, established and ordered opened, at a uniform width of forty (40) feet, extending from Twenty-first Street to Buffalo Road, the east line of said new street to be two hundred and fourteen (214) feet westwardly from, and to extend parallel with the west line of East Avenue, between the said points.

240. The City of Erie shall be liable for, and shall pay, upon final determination, any and all damages caused by the opening of said street; and any and all benefits assessed against abutting properties, for benefits specially accruing to the same, by reason of the opening of said Saltsman Street, shall be collected by, and paid to, the City of Erie.

241. The cart or roadway of said Saltsman Street shall be the center eighteen (18) feet of its width, and sidewalks, six (6) feet in width, shall be laid on each side of such roadway.

242. That Beech Lane being now of the width of 30 feet is hereby widened throughout its entire length to the width of 60 (a) feet, and the said increased width of said street shall be made or caused by removing the eastern line of said Beech Lane to the distance of 30 feet eastwardly from the present center of said Beech Lane and by removing the western line of said Beech Lane to the distance of 30 feet westwardly from the said center of said Beech Lane so that the one-half of said extended width shall be taken from the land on the east side of said Beech Lane, and that the one-half of said extended width shall be taken from the land on the west side of said Beech Lane, and that said Beech Lane throughout the length aforesaid be and the same is hereby widened, laid out and established as a street of said city to be known as Wayne Street.

243. That Wayne Street be, and the same is hereby laid out and established in said City of Erie, commencing at the present northern terminus of Wayne Street, and running

necessary therefor to be taken from each side of a line starting in the center of the street as now established and running northerly to the Lake parallel with East Avenue. Feb. 8, 1881

244. That Wayne Street (formerly known as Beech Lane) from Sixth Street northerly shall be widened to 50 feet, Ord. 229,
Sept. 17, 1888,
§ 1. C. 360. the increased width of said street, to wit: 20 feet to be taken from the property fronting on said lane as follows, to wit: A strip 15 feet in width to be taken from the lots adjoining said lane on the west so that the west line of said street when opened will be 30 feet west of the center line of the lane as originally laid out, and a strip of 5 feet in width, to be taken from the lots on the east side of said lane in such manner that the east line of said street, when opened, will be 20 feet east of the center line of the said land as originally laid out. Width fixed
at 50 feet
from Sixth
Street nor-
therly.

(a)

245. The ordinance passed for the opening and widening of said street is amended to correspond with the above provisions. Id. § 2.
Amendment.

246. That Wayne Street, in the City of Erie, from Eighteenth Street to Twenty-sixth Street, shall be and the same is hereby opened of a uniform width of 50 feet, in such manner that the east line of said street as proposed and laid out in the survey made by G. W. F. Sherwin, shall be the east line of said Wayne Street when opened and widened, and the west line of said street shall be 50 feet west of and parallel with the east line of said street as above proposed. (b) Ord. 275,
Sept. 15, 1887,
§ 1. D. 44.

247. That Reed Street, from the north line of Sixth Street to the south line of Fifth Street, be and the same is hereby laid out, established and opened as a public highway, at a uniform width of sixty (60) feet, composed of thirty (30) feet on either side of the line dividing out lots Nos. 563 and 576. Ord. 2602,
Dec. 18, 1905,
§ 1. J. 170.

248. Any and all damages that may be incurred by the opening of said street shall be paid upon the final determination thereof, by the City of Erie, and any and all benefits which may be legally assessed against abutting property on account of the opening of said street, shall be collected by, and paid to the City of Erie. Id. § 2.
Damages
and benefits.

249. That Reed Street be and is hereby laid out and opened from Eighth Street to Ninth Street at a uniform width of sixty (60) feet, and in such manner that the center line thereof shall be six hundred and seventy-six and sixty-four one-hundredths (676.64) feet eastwardly from the center line of Ash Street and parallel thereto. Ord. 632,
July 5, 1890,
§ 1. D. 387.

(a) For proceedings relating to assessment of damages and benefits in the matter of widening Wayne street, north of Fifth street, see records of Court Common Pleas No. 102, May term 1898, and No. 157, Feb. Term 1900.

(b) Wayne street as widened 15 feet on the east side from 25th to 28th street and 5 feet on the west side from 28th street northwardly 135 feet, by land conveyed to the city by Margaret B. Brown et al, by deed dated June 26,

1900, accepted by the city Sept. 14, 1900, (S. C. Journal X, page 373 A), recorded April 22, 1901, in Deed Book 131, page 512.

Wayne street was widened five feet on the west side from 25th street to a point midway between 27th and 28th streets, by land conveyed to the city by Jacob R. Boggs, et al, by deed dated July 28, 1900, accepted by the city Jan. 21, 1901. (S. C. Journal X, page 437 C), recorded Jan. 25, 1901, in Deed Book 133, page 349.

July 5, 1890
Id. § 2.

Damages,
how as-
sessed.

Ord. 1710,
May 12, 1900.
§ 1. H. 315.

Laid out
from
Eighteenth
to Twenty-
first Street.

Ord. 426,
Sept. 19, 1889.
§ 1. D. 259.

Laid out
from Twen-
ty-first to
Twenty-
sixth Street.

Ord. 1714,
May 12, 1900.
§ 1. H. 316.

Laid out
from Twen-
ty-sixth to
Twenty-
eighth
Street.

Feb. 8, 1881.
A. 561.

Ash Street
extended
from near
Third
Street nor-
therly to
Presque Isle
Bay.

250. That all damages sustained by the laying out and opening of said Reed Street between the points aforesaid, shall be paid by assessments upon the property benefited thereby. (a)

251. That Reed Street, be and is hereby laid out, opened and extended from Twenty-first street northwardly to Eighteenth Street, at a uniform width of sixty (60) feet, and in such manner that the center line of said Reed Street shall be six hundred and seventy-six and sixty-four one-hundredths (676.64)) feet east of the east line of Ash Street. (b)

252. That a street to be called Reed Street be and is hereby laid out, opened and extended from Twenty-first Street to Twenty-sixth Street; the said street to be of a uniform width of sixty feet, the center line of said Reed Street to be parallel with the center line of Ash Street, and distant therefrom six hundred and seventy-six and sixty-four one-hundredths feet easterly.

253. That a street to be known as Reed Street is hereby laid out and opened from 26th Street to 28th Street, in the City of Erie, the said street to be of uniform width of sixty (60) feet, and to be a continuation of Reed Street as it now exists, north of Twenty-sixth Street. The center line of said Reed Street to be the east line of outlots numbers five hundred and ninety-seven (597) and five hundred and ninety-eight (598), parallel with the center line of Ash Street, and distant therefrom six hundred and seventy-six and sixty-four hundredths (676.64) feet eastwardly. (c)

254. That Ash Street be and the same is hereby laid out, extended and established in said City of Erie, commencing at its present northern terminus near Third Street, and running thence northwardly parallel with Parade Street to the Bay of Presque Isle, said street to be 60 feet in width and one-half of the land necessary therefor to be taken from each side of

(a) See No. 135, Sept. Term 1903, from 26th street to 28th street, as fol-

a line running from the center of Ash Lane as originally laid out northerly parallel with Parade Street to said Bay of Presque Isle. (a)

Feb. 8, 1881

255. That Ash Street be and is hereby widened to 60 feet from Third Street to Sixth Street, by adding 15 feet of land belonging to the adjoining owners to each side of the said street as at present opened and laid out. (b)

Nov. 12, 1873.
A. 422.

256. That the width of the driveway of Ash Street, from Sixth Street to Third Street, be and the same is hereby established as follows, to wit: Twenty-six feet, the same being composed of thirteen feet on each side of the center line of Ash Street as now established.

Widened from Third Street to Sixth Street.
Ord. 2635.
July 15, 1906.
§ 1. J. 120.
Width of roadway Third to Sixth Street.

257. That the sidewalks on Ash Street, from Sixth Street to Third Street, be and the same are hereby established at six (6) feet, the inner line of said walks to be three (3) feet from the property line.

Id. § 2.
Width of sidewalks.

258. That Ash Street between Sixth Street and Seventh Street be and is hereby widened to a uniform width of sixty (60) feet—the east and west lines of which street as widened shall be a continuation of the east and west lines of Ash Street as the same are now established north of the north line of Sixth Street.

Ord. 1061.
Feb. 23, 1896.
§ 1. G. 100.

259. That Ash Street, from Seventh Street to Eighth Street, be and the same is hereby laid out, opened and extended at a uniform width of sixty (60) feet; the east, center and west lines of said street, between said points to be direct continuances, of the east, center and west lines of said street, respectively, north of Sixth Street. (c)

Ord. 2633.
Mar. 19, 1906.
§ 1. J. 184.
Widened between Seventh and Eighth Streets.

260. Any and all assessments for benefits shall be collected by and paid to the City of Erie, and any and all assessments for damages occasioned thereby, over and above assessments for benefits, shall be paid by the City of Erie.

Id. § 2.
Benefits and damages.

261. That Ash Street is hereby laid out, opened and extended from Twelfth Street to Eighteenth (d) Street at a uniform width of 60 feet, and parallel to Wallace Street with its western boundary line 660 feet from the eastern boundary line of said Wallace Street. (e)

Dec. 16, 1873.
A. 427.
Laid out from Twelfth Street to Eighteenth Street.

(a) The provisions of this ordinance have not been carried into operation, but instead thereof, Ash street from Second street to Third street was opened Jan. 10, 1888, along the west line of the Soldiers' and Sailors' Home grounds at a width of thirty feet by adding 18 feet from said grounds to the original 12 foot lane. Select Council Journal M, pages 285 and 288.

(b) For proceedings in Court of Common Pleas relative to widening Ash street from 3rd to 6th street, see No. 115, May Term 1891.

(c) Ordinance 1213, approved June 4, 1896, G 241, provided for widening

Ash street, from 7th to 8th street to a width of 60 feet, by a continuation of the lines of said street north of Seventh street.

Cottage Avenue, 50 feet in width, extending from 21st street northwardly 300 feet, its center line being 265 feet westwardly from the west line of Ash street, and parallel thereto, was conveyed to the city by Lucinda and John W. Shannon, by deed dated Nov. 1, 1893, accepted by the city Dec. 30, 1895, (S. C. Journal T, page 217), recorded Nov. 6, 1895, in Deed Book 115, page 709.

(d) See Infra 262.

(e) See Infra 264.

Ord. 279.
Oct. 12, 1887.
§ 1. D. 51.

Laid out
from near
Fifteenth
Street to
Eighteenth
Street.

262. That Ash Street shall be and the same is hereby laid out, opened and established, 60 feet in width, from its present terminus north of the Lake Shore & Michigan Southern Railway Company, at that width, southerly parallel with Parade Street to Eighteenth Street, in such manner that the east and west lines of the said Ash Street, south of Twelfth Street extended in a direct line, shall form the east and west lines of said Ash Street between the points where it is hereby opened.

Id. § 2.
Procedure.

263. The City Solicitor is hereby directed to take the necessary steps to secure the opening of said street between the points aforesaid.

Ord. 1087.
Mar. 23, 1896.
§ 1. G. 109.

Subway Fif-
teenth Street
to Eigh-
teenth
Street.

264. That the Mayor of the City of Erie be and is hereby authorized to enter into a contract on behalf of the City of Erie with the Lake Shore & Michigan Southern Railway Company and the Philadelphia & Erie Railroad Company for the construction of a subway in Ash Street from Fifteenth to Eighteenth Streets, upon the terms and subject to the conditions of the agreement made between said Railroad Companies and the City of Erie by the committee of Councils appointed with power by resolution approved on October 18th, 1894.

Aug. 3, 1870.
A. 349.

Widened
from
Eighteenth
Street to
Twenty-
eighth
Street.

265. That the width of the street called Ash Lane from the highway in said city known as the Arbuckle Road (being a highway south of Twenty-sixth Street) northward to (Buffalo Street) Eighteenth Street, be and the same is hereby widened and extended in width to sixty (60) feet; and one-half of said extended width shall be taken from the land on each side of said street; and said street throughout the length aforesaid be and the same is hereby widened, laid out and established as a street of said city of the width of sixty (60) feet as aforesaid.

Ord. 1631.
Aug. 14, 1899.
§ 1. H. 252.

width of

266. That the carriageway of Ash Street, from Eighteenth Street to Twenty-eighth Street, in the City of Erie, be and is hereby fixed at the uniform width of thirty-six feet from curb

so far as said outlots extend and beyond said outlots north and south said center line shall be on a line produced or extended in the same direction northward to the waters of said bay and southward to the southern boundary of said city, and thirty feet of the width of said street shall be taken from the land on each side of said center line. (a)

270. That the width of the roadway on Wallace Street, from the south curb line of Eighth Street to the north curb line of Fifteenth Street be and the same is hereby established at twenty-eight (28) feet, fourteen (14) feet on each side of the center line of said Wallace Street as now laid out and established.

Sept. 23, 1870

Ord. 2287,
Jan. 13, 1904.
§ 1. I. 333.
Width of
roadway
from Eighth
to Fifteenth
Street.

271. That Wallace Street, from Twenty-third to Twenty-fourth Street is hereby laid out, established and opened at a uniform width of sixty feet, the west, center and east lines of said proposed street to be direct continuances, respectively, of the west, center and east lines of said street north of Twenty-third Street.

Ord. 2239,
Oct. 29, 1903.
§ 1. I. 323.

Laid from
Twenty-
third to
Twenty-
fourth
Street;
width.

272. All damages incurred, in the opening of said street shall be paid by the City of Erie, upon final adjudication of the same, and all benefits specially accruing to property because of such opening shall be paid to said city.

Id. § 2.

Benefits and
damages.

273. That the northern boundary of all water lots in the bay of Presque Isle or harbor of Erie, lying west of the canal basin, shall be a line drawn from the northwest corner of the canal basin pier westward, parallel to Second Street of said city, to the western boundary of said water lots.

Mar. 18, 1869.
§ 1. A. 304.

Northern
boundary of
water lots
defined.

274. All the streets of the first and second sections of the town of Erie as originally laid out, which cross Second Street at right angles, be extended and the same are hereby declared to extend on the same course northwardly into the bay of Presque Isle to the northern boundary of said water lots.

Id. § 2.

Streets of
the first and
second sec-
tions ex-
tended into
the bay.

275. That the width of the driveway of Parade Street, between Fifth Street and Front Street, be and the same is hereby fixed at thirty-six (36) feet; the east and west curb lines of said street to be continuances of the east and west curb lines of Parade Street, between Fifth and Sixth Streets, as now paved.

Ord. 1681,
Feb. 23, 1900.
§ 1. H. 287.

Parade
Street, north
of Fifth
Street;
width of
carriageway.

276. That Parade Street, from the south line of Second Street to the south line of Fourth Street, shall be improved as follows, to wit: Sidewalks shall be built on each side of said street twelve (12) feet in width, and between said sidewalks and the carriageway lawns shall be laid out on each side of said street sixteen (16) feet in width, and the center portion of said street, forty-four (44) feet in width, shall be the carriageway thereof between the points mentioned.

Ord. 733,
Aug. 14, 1892.
§ 1. E. 243.

From Sec-
ond Street
to Fourth
Street; lay-
ing out
lawns, width
of carriage-
way, side-
walks and
lawns.

(a) See Infra 271. Wallace street, west half, 30 feet in width, between 18th and 19th streets, 275 feet, its east line being the east line of Outlot No. 253, was conveyed to the city by John D. Besley and wife, by deed dated Mar. 25, 1901, accepted by the city March 27, 1901, (S. C. Journal X, page 609 A), recorded in Deed Book 142, page 649.

Wallace street, 60 feet in width, from 20th to 23rd streets, was conveyed to the city by Chas. M. Reed's executors, by deed dated July 13, 1897, accepted by the city Aug. 4, 1897, (S. C. Journal U, page 505), recorded Aug. 2, 1897, in Deed Book 121, page 687.

(b) See Supra 275.

Aug. 14, 1892
Id. § 2

Time to
commence
and com-
plete.

277. The property owners owning property along said street between the points aforesaid, shall construct the walks and lawns above provided for, commencing on or before the first day of July, 1892, and completing the same on or before the 1st day of October, 1892.

Id. § 3

Penalty; no-
tice.

278. In case any property-owner shall neglect or refuse to construct the walks and lawns above provided for he shall forfeit and pay to the City of Erie a penalty of two dollars (\$2.00) for each foot of land owned by him fronting on said Parade Street between the streets aforesaid; provided, however, that the penalty shall not be inflicted until the Superintendent of Sidewalks of the City of Erie shall have given at least fifteen (15) days' notice to the said parties to comply with the provisions of this ordinance.

Ord. 634.
April 1, 1891.
§ 1, E. 113.

Laying out
lawns from
Sixth Street
to Fourth
Street;
width of
carriageway,
sidewalks
and lawns.

279. That Parade Street, from the north line of Sixth Street to the south line of Fourth Street, shall be improved as follows, to wit: Sidewalks shall be built on each side of said street, twelve (12) feet in width, and between said sidewalks and the carriageway lawns shall be laid out in each side of said street sixteen (16) feet in width, and the center portions of said street, forty-four (44) (a) feet in width shall be the carriageway thereof between the points mentioned.

Id. § 2

Time to
commence
and com-
plete.

280. The property owners owning property along said street between the points aforesaid, shall construct the walks and lawns above provided for, commencing on or before the 15th day of May, 1891, and completing the same on or before the 1st day of October, 1891.

Id. § 3

Penalty; no-
tice.

281. In case any property owner shall neglect or refuse to construct the walks and lawns above provided for he shall forfeit and pay to the City of Erie a penalty of two dollars (\$2.00) for each foot of land owned by him fronting on said Parade Street between the streets aforesaid; provided, however, that the penalty shall not be inflicted until the Superin-

284. That the width of Parade Street, from the south line of Twenty-sixth Street to the north line of Twenty-eighth Street, be and the same is hereby established at eighty (80) feet; the east line of said street to be a direct continuance of the east line of Parade Street north of Twenty-sixth Street.

Ord. 1908,
Nov. 4, 1901.
§ 1. I. 73.

285. That the width of the carriageway of said Parade Street, from the south line of Twenty-sixth Street to the north line of Twenty-eighth Street, be and the same is hereby established at forty-eight (48) feet; and further, that the width of the sidewalks on each side of said street, be and the same is hereby established at six (6) feet, the space between the property line and the sidewalks to be three (3) feet; and further, that the width of the lawns on each side of said street, between the sidewalks and the carriageway, be and the same is hereby established at seven (7) feet, including the width of curbing. (a)

Width
from Twenty-
sixth to
Twenty-
eighth
Street.
Id. § 2.

Width of
carriageway,
sidewalks
and lawns.

286. That Wattsburg Road be and is hereby laid out, opened and established as a street in the City of Erie, in manner following, to wit: That the center line of said Wattsburg Road shall begin at a point ninety-two and seventy-five one-hundredths (92.75) feet northwardly from the intersection of Twenty-eighth Street with Parade Street; thence south-eastwardly by an angle deflecting to the left, twenty-eight (28) degrees and fifty-three (53) minutes with the center line of Parade Street, fourteen hundred and twenty-two and one-half (1422½) feet to a point; thence by an angle deflecting to the left thirteen (13) degrees and twenty-nine (29) minutes southwardly to the south line of the city.

Ord. 907,
Oct. 17, 1893.
§ 1. E. 337.

Wattsburg
Road laid
out from
near the in-
tersection of
Twenty-
eighth and
Parade
Streets to
south line of
city.

287. That the said street shall be of a uniform width of fifty (50) feet, of which thirty-four (34) feet shall be the roadway of said street, and eight (8) feet on each side of said roadway shall be reserved for sidewalks.

Id. § 2.

Width of
carriageway
and side-
walk.

288. That from and after the passage of this ordinance, the street now known as Wattsburg Road, in the City of Erie, shall be designated and called Pine Avenue, and that the necessary change to carry out the provisions of this ordinance shall be made upon the records of the various offices in the City of Erie.

Ord. 1080,
Mar. 25, 1895.
§ 1. G. 120.

Name
changed to
Pine Avenue.

289. That a street to be called Marvin Avenue, be and is hereby laid out and opened, of a uniform width of fifty (50) feet; said street beginning at the Wattsburg Road and extending in a southerly direction to the southern limits of the City of Erie, in such manner that the center line of said street shall be three hundred and thirty-two (332) feet east of the east line of the old French Road, and parallel thereto, as the said French Road is now established.

Ord. 987,
June 26, 1894.
§ 1. G. 43.

Marvin Ave-
nue laid out
from Watts-
burg Road
to south line
of city.

290. That the French Road in the City of Erie be and is hereby laid out, opened and established as a street in a manner following, to wit: That the center line of said French Road shall begin at a point in the center line of Twenty-eighth Street at a distance of twenty-seven (27) feet eastwardly

Ord. 1149,
Nov. 4, 1895.
§ 1. G. 184.

Opening
French Road
to south city
line.

(a) This supersedes Ord. 1801, approved Dec. 19, 1900, H 371.
Ordinance 2625, approved March 10,

1906, J 182, provides that Parade street shall be paved 48 feet in width from 18th to 28th street.

Nov. 4, 1896

from the intersection of the line of landmarks in Parade Street and the center line of Twenty-eighth Street; thence southwardly by an angle deflecting eighty-nine degrees and forty-four minutes ($89^{\circ} 44'$) to the right from the center line of Twenty-eighth Street, Two Hundred and Sixty-six and four-tenths (266.4) feet to a point; thence southwestwardly, by an angle deflecting thirty degrees and twelve minutes ($30^{\circ} 12'$) to the right, Four Hundred and Fifty-four and five tenths (454.5) feet to a point; thence southwardly by an angle deflecting four degrees and fifty-four minutes ($4^{\circ} 54'$) to the left, One Hundred and Twenty-five (125) feet to a point; thence southwardly, by an angle deflecting eight degrees and fifty-six minutes ($8^{\circ} 56'$) to the left, Nine Hundred and Thirty-five and six-tenths (935.6) feet to a point on the south city line.

Id. § 2.

Width.

Ord. 1425,

Nov. 5, 1897.

§ 1. H. 94.

German
Street, Sixth
to Eighth
Street;
width of
carriageway;
center line.

Ord. 2154.

April 1, 1903.

§ 1. I. 252.

Width of
carriageway,
from Eighth
Street to
Eighth and
Eighteenth
Streets.

Ord. 1144.

Oct. 29, 1896.

§ 1. G. 180.

Opening to
south line of

291. That said street shall be of a uniform width of fifty (50) feet; of which thirty-four (34) feet shall be for roadway and eight (8) feet on each side of said roadway shall be reserved for sidewalks.

292. That the width of the carriageway of German Street, from Sixth Street to Eighth Street, be and the same is hereby fixed at twenty-eight (28) feet, the center line of said German Street, between Sixth Street and Eighth Street, to be seven hundred and twenty-one and 24-100 (721.24) feet eastwardly from, and parallel to, the center line of Holland Street. (a)

293. That the width of the carriage-way of German Street, from Eighth Street to Eighteenth Street, be and the same is hereby established at a uniform width of twenty-eight (28) feet, from curb to curb.

294. That German Street be and is hereby laid out, opened and extended from its present terminus southwardly to the southern limits of the City of Erie, at a uniform width of sixty (60) feet in such manner that the east and west lines

and all benefits assessed against such property shall be collected by, and paid to, the City of Erie. May 23, 1905

297. That the width of the roadway of Holland Street, from the north line of Second Street northwardly to the railroad tracks, be and the same is hereby established at twenty-eight (28) feet, consisting of fourteen (14) feet on each side of the center line of said street, which is to be a direct continuance of the center line of said street, south of Second Street. (a) Ord. 1913,
Sept. 9, 1901.
§ 1. I. 60.
Holland
Street north
of Second
Street;
width of
carriageway.

298. That the carriage-way of Holland Street, from Second Street to Sixth Street, be and the same is hereby fixed at a uniform width of thirty (30) feet; the center line of said Holland Street, between the points aforesaid to be seven hundred and twenty-one (721) lineal feet eastwardly from, and parallel to the center line of French Street, and seven hundred and twenty-one (721) lineal feet westwardly from, and parallel to the center line of German Street. (b) Ord. 1330,
Aug. 11, 1897.
§ 1. H. 44.
Width of
carriageway
from Sec-
ond to Sixth
Streets; cen-
ter line.

299. That Holland Street be and is hereby laid out, opened and extended from Twenty-sixth Street southwardly to the southern limits of the City of Erie as now established. Ord. 544,
July 5, 1890.
§ 1. D. 389.
Laid out
from Twen-
ty-sixth
Street to
south line of
city.

300. That the said Holland Street shall be laid out in such a manner that the extension of the east and west lines of said street as they now exist north of Twenty-sixth Street, extended in a direct line, shall form the east and west lines of Holland Street between Twenty-sixth Street and the southern limits of the City of Erie. (c) Id. § 2.
Lines de-
fined.

301. That the damages sustained by any property along the line of the said Holland Street, between the points aforesaid, shall be paid by assessments made upon the property benefited by the opening and extending of said street between the points provided for by this ordinance. (d) Damages;
how as-
sessed.
Ord. 73,
Sept. 4, 1889.
§ 1. C. 102.
French
Street side-
walk;
width de-
fined from
North Park
Place to
Front
Street.

302. That the sidewalks on French Street, from North Park Row to Front Street shall be twelve (12) feet in width and the roadway thirty-six (36) feet in width. Ord. 1779,
Oct. 11, 1906.
§ 1. H. 380.
Width of
carriageway
from
Eighteenth
to Twenty-
sixth Street.

303. That the width of the carriage-way on French Street, from the south line of Eighteenth Street to the north line of Twenty-sixth Street, be and the same is hereby established at thirty-two (32) feet; sixteen (16) feet on each side of the center line of said street as now established. Ord. 1779,
Oct. 11, 1906.
§ 1. H. 380.
Width of
carriageway
from
Eighteenth
to Twenty-
sixth Street.

(a) This repeals so much of the paving Ordinance (No. 1752) H 342, approved Aug. 7, 1900, as fixed the width at 30 feet.

(b) Ordinance 1286, approved March 30, 1897, G 345, (the paving ordinance) fixed the width of the pavement of Holland street, from 6th to 8th street, at 28 feet.

(c) Holland street, 60 feet wide, from 28th street to 28th street, was conveyed

to the city by Joseph S. Scobell and wife, by deed dated April 23, 1891, accepted by the city Aug. 11, 1891, (S. C. Journal P, page 266), recorded Aug. 13, 1891, in Deed Book 100, page 493.

(d) For proceedings for assessment of damages and benefits in the matter of opening Holland street, from 28th street southwardly 156 feet, see No. 53 Feb. Term 1901, Court Common Pleas of Erie Co.

Jan. 29, 1876.
A. 458.

State Street
laid out
from Twen-
ty-sixth
Street to
south line of
city.

Ord. 2114,
Feb. 2, 1908.
§ 1. I. 216.

Laid out
from Twen-
ty-sixth
Street to
Hill Road;
width.

Id. § 2.

Damages
and benefits.

Ord. 1909,
Sept. 10, 1901.
§ 1. I. 62.

Peach Street
laid out,
south of
Twenty-
sixth Street.

304. That State Street is hereby laid out, opened and extended at a uniform width of fifty (50) feet from Twenty-sixth Street, as at present laid out and opened, to the southern city limits, with, for the center line thereof, the center line of the Waterford Plank Road, as at present laid out and opened. (a)

305. That State Street, from the south side of Twenty-sixth Street, to the center line of Hill Road, be and the same is hereby laid out, established and opened as a public highway, at a uniform width of fifty (50) feet, twenty (20) feet of which shall be west of the center line of the old Waterford Plank Road, and thirty (30) feet of which shall be east of the said center line of said Waterford Plank Road, except at the north end of said street, where the east line shall be an extension of the east line of State Street as laid out north of Twenty-sixth Street, from the south line of Twenty-sixth Street south to a point where it intersects the east line of the street as above laid out; and the west line shall start from the south line of Twenty-sixth Street on a curve with a twenty-five foot radius for 116 degrees and 39 minutes, and the point of tangent shall be in the west line of the street as above laid out.

306. That if any damages shall be judicially determined and awarded to the owner or owners of any abutting property for damages sustained in the opening of said street, the same shall be paid upon such determination by the City of Erie, and if any benefits shall be assessed against abutting property for benefits specially accruing thereto by the opening of said street, the same shall be collected by and paid to, the City of Erie. (b)

307. That the street heretofore known as the Susquehanna and Waterford Turnpike, be and is hereby made of the regular width of seventy-five (75) feet, from Twenty-sixth Street southwardly to the city limits, the center line of said street being particularly described as follows, to wit: Beginning at a point in the center line of Peach Street, produced sixty-

located; thence deflecting to the right six degrees (6°) and fifteen minutes (15') thirteen hundred (1,300) feet, more or less, to the city limits, and thirty-seven and one-half feet (37.5') on each side of the above-described center line to constitute the aforesaid seventy-five (75) feet in width, and twenty-five and one-half feet (25.5') on each side of said center line to constitute the carriage-way of said street, leaving the balance of said street for sidewalks—and that said street be and is hereby called Peach Street. (a)

Sept. 10, 1901

April 10, 1896.
§ 1. S. E.
Boro ord. 15.

Width of
Peach Street
sidewalk
from
Eighteenth
to Twenty-
sixth Street.
Ord. 866,
Aug. 17, 1896.
§ 1. E. 323.

308. That there shall be sidewalks 9 feet in width on the east and west side [s] of Peach Street. * * *

309. That the sidewalks on each side of Sassafras Street, from Fifth Street to Short Street, be and are hereby established at the uniform width of ten (10) feet; the inner line of said sidewalks to be the line of the lots abutting upon said street; that between the outer line of sidewalks and the curb line of the roadway there shall be a space reserved for lawn purposes six (6) feet in width, in which shade trees may be planted, and which said lawn shall be cared for and sodded by the owners of property abutting thereon and opposite thereto.

Sassafras
Street from
Fifth Street
to Short
Street;
lawns and
sidewalks
defined.

Id. § 2.

310. That the roadway of said Sassafras Street, from Fifth Street to Short Street, be and is hereby established at the uniform width of twenty-eight (28) feet from curb to curb thereof.

Width of
carriageway.
Ord. 517,
June 5, 1890.
§ 1. D. 364.

311. That the carriageway of Sassafras Street, from Fifth Street to Eighth Street, in the City of Erie, Pa., be and is hereby fixed at a uniform width of twenty-eight (28) feet from curb to curb, leaving sixteen (16) feet in width on each side of said carriageway for sidewalk and arbor culture.

Carriageway,
sidewalk
and arbor
defined from
Fifth Street
to Eighth
Street.
Ord. 1248,
Sept. 4, 1896.
§ 1. G. 254.

312. That the sidewalks on each side of Myrtle Street, from Second Street to Twelfth Street be and they are hereby established at the uniform width of nine (9) feet; the inner line of said sidewalks to be the line of the lots abutting upon said street, and that the space between the outer line of the sidewalks and the curb line of the roadway shall be reserved for lawn purposes. (b)

Myrtle
Street,
Second to
Twelfth
Street;
width of
sidewalks
and lawns.
Ord. 1363,
June 28, 1897.
§ 1. H. 31.

313. That the carriage-way of Myrtle Street from Fourth Street to Second Street is hereby fixed at a uniform width of thirty (30) feet from curb to curb.

Width of
carriageway
from Second
to Fourth
Street.
Ord. 1173,
Mar. 9, 1896.
G. 215.

314. That the roadway of Myrtle Street, from Fourth Street to Fifth Street be and is hereby fixed at the uniform width of twenty-nine (29) feet, measured from the outside of curb to the outside of curb, and that fifteen and one-half (15½) feet on each side of said roadway be reserved for lawns and sidewalks.

Width of
roadway,
sidewalk
and lawns
between
Fourth and
Fifth
Streets.

(a) This is an amendment to Ordinance of Aug. 3, 1875, A 465.

(b) See Infra 313, 314.

Ord. 2578,
Oct. 30, 1905.
§ 1. J. 143.

Width of
roadway,
Sixteenth to
Eighteenth
Street.

Nov. 24, 1874.
A. 455.

Laid out
from Twen-
ty-sixth
Street to
Peach
Street

Ord. 2582,
Dec. 2, 1905.
§ 1. J. 162.

Width of
roadway
Eighteenth
to Peach
Street.

Oct. 5, 1875.
A. 472.

Hickory
Street laid
out from
Sixteenth
Street to
Eighteenth
Street.

Ord. 1364,
June 26, 1897.
§ 1. H. 32.

Chestnut
Street;
width of
carriageway.

Ord. 1365,
June 26, 1897.
§ 1. H. 33.

Walnut
Street;
width of
carriageway.

Ord. 2540,
Aug. 17, 1905.
§ 1. J. 124.

315. That the roadway of Myrtle Street, from Sixteenth Street to Eighteenth Street, be and the same is hereby established at twenty-eight (28) feet, being composed of fourteen (14) feet on either side of the center line of said street.

316. That Myrtle Street is hereby laid out, opened and extended from its present terminus at Twenty-sixth Street, southwardly, until it intersects the old Waterford Turnpike, now commonly called Peach Street, by an extension of the east and west lines of Myrtle Street as at present laid out, opened and extended, and at a uniform width of sixty (60) feet.

317. That the roadway of Myrtle Street, from the south line of Eighteenth Street to Peach Street, be and the same is hereby established at twenty-eight (28) feet, being composed of fourteen (14) feet on either side of the center line of said street. (a)

318. That the street heretofore laid out and opened midway between Myrtle and Chestnut Streets, and parallel thereto, and extending from Sixteenth Street to Eighteenth Street, be and is hereby declared and confirmed as a public street of the City of Erie, and be called Hickory Street.

319. That the carriage-way of Chestnut Street from Second Street to the southern limits of the city is hereby fixed at a uniform width of thirty (30) feet from curb to curb.

320. That the carriage-way of Walnut Street from Second Street to the southern limits of the city is hereby fixed at a uniform width of thirty (30) feet from curb to curb.

321. That Sigsby Street, from Twenty-sixth to Twenty-ninth Street, be and the same is hereby laid out, opened and

324. That the carriage-way of Cherry Street from Front Street to the south city limits is hereby fixed at a uniform width of thirty (30) feet from curb to curb.

Ord. 1855,
June 10, 1897.
§ 1. H. 19.

325. That Cherry Street, from Twenty-sixth Street southwardly to the south city limit, be and is hereby laid out, opened and extended at the uniform width of sixty (60) feet—the east and west lines of said Cherry Street to be on the line of the east and west lines of Cherry Street as now laid out north of Twenty-sixth Street.

Cherry
Street;
width of
carriageway.
Ord. 1026.
Nov. 10, 1894.
§ 1. G. 83.

326. That Maple Street, as laid out and dedicated to the public use as a street, by Adam Acheson and Michael Liebel, by a plan recorded September 10, 1884, in the Recorder's Office of Erie County, in Deed Book 80, page 295, and extending from Twenty-sixth Street to the southern limits of the city, be and the same is hereby accepted as one of the public streets of the City of Erie.

Cherry
Street laid
out from
Twenty-
sixth Street
to south line
of city.
Ord. 141.
Feb. 4, 1885.
C. 206.

327. That Hazel Street, from Twenty-sixth Street to the southern limits of the City of Erie, as the said street has been laid out and dedicated to public use by the owners of the right of way, as shown by a map thereof duly recorded in the Recorder's Office of the County of Erie, be and the said street is hereby accepted as a public highway of the City of Erie.

Maple Street
accepted
from Twen-
ty-sixth
Street to
south line of
city.
Ord. 295.
Dec. 12, 1887.
D. 74.

328. That the width of the carriage-way of Poplar Street, from the north line of Eighth Street to the south line of Seventh Street, be and the same is hereby established at twenty-eight feet from curb to curb. (a)

Hazel Street
accepted
from Twen-
ty-sixth
Street to
south line of
city.
Ord. 1894.
Aug. 2, 1901.
§ 1. I. 54.

329. That the width of the roadway on Poplar Street, from the south curb line of 11th Street to the north curb line of 12th Street, be and the same is hereby established at twenty-eight (28) feet, being fourteen (14) feet on each side of the center line of said street. (b)

Poplar
Street,
width of
carriageway.
Seventh to
Eighth
Street.
Ord. 2299.
Jan. 7, 1904.
§ 1. I. 335.

330. That Liberty Street from Front Street to 26th Street be and the same is hereby laid out and established with a parkway or lawn extending through the center thereof 16 feet in width, and with a 20 foot driveway on each side of said center parkway or lawn; and with a lawn 10 feet in width on the west and east sides of said driveways; and sidewalks 10 feet in width on the west and east sides of said last mentioned lawns; and with lawns 2 feet in width on the west and east sides of said sidewalks. It being the meaning and intent of this ordinance that said street, between said points being 100 feet in width, shall be sub-divided into lawns, sidewalks, driveways, and parkways as follows:—Beginning on the west line

width of
carriageway
between
Eleventh
and Twelfth
Streets.
Ord. 2455.
Jan. 19, 1906.
§ 1. J. 57.

Liberty
Street Boul-
evard, Front
to Twenty-
sixth Street;
width of
roadways,
sidewalks
and lawns.

(a) The width of the pavement of Poplar street from 6th to Park avenue north was fixed at 35 feet by the paving Ordinance, 2606, approved March 22, 1906, J 187.

(b) Ordinance No. 1644, approved March 31, 1900, H 297, provided for

vacating Poplar, Liberty, and Cascade streets north of Front street, conditioned, *inter alia* that an acceptance thereof in writing be filed with the City Clerk by the Pennsylvania Company within sixty days after its approval. No acceptance has been filed with the City Clerk.

Jan. 19, 1905

of said Liberty Street between Front Street and 26th Street and extending eastwardly from said west line for a distance of 2 feet, there shall be a lawn; immediately east of said lawn there shall be a sidewalk 10 feet in width; immediately east of said sidewalk there shall be a lawn 10 feet in width; immediately east of said lawn there shall be a driveway 20 feet in width; immediately east of said driveway there shall be a parkway or lawn 16 feet in width; immediately east of said parkway or lawn there shall be another driveway 20 feet in width; immediately east of said last mentioned driveway there shall be a lawn 10 feet in width; immediately east of said last mentioned lawn there shall be a sidewalk 10 feet in width; and immediately east of said last mentioned sidewalk there shall be a lawn 2 feet in width extending to the east line of Liberty Street between the said points. (a)

Aug. 12, 1873.

A. 415.

Plum Street
laid out
south of
Twenty-
sixth Street.
Nov. 24, 1874

A. 456.

Cascade
Street laid
out south of
Twenty-
sixth Street.
Ord. 2502,
May 12, 1906.
§ 1. J. 71.

Vacating of
Raspberry
Street, north
of Front
Street.

Conditions.

331. That Plum Street be and is hereby opened, laid out and extended from Twenty-sixth Street southwardly parallel with Cherry Street, to the city limits at a uniform width of sixty feet. (b)

332. That Cascade Street is hereby laid out, opened and extended from its present terminus at Twenty-sixth Street, to the southern city limits, by an extension of the east and west lines of Cascade Street, as at present laid out, opened and extended and at a uniform width of sixty feet. (c)

333. That so much of Raspberry Street, in the City of Erie, as lies north of the north line of Front Street, northwardly to the harbor-line, in front of the City of Erie be and the same is hereby vacated; and so much land as is occupied by the street hereby vacated is to vest in the adjoining property owners, their heirs, successors or assigns. Provided, that unless the Pittsburg Steamship Company, a corporation, its successors and assigns, who are the present owners of the adjoin-

334. That Raspberry Street, from the south line of Twenty-sixth Street, southwardly, be and is hereby laid out, opened and extended at a uniform width of sixty (60) feet in such manner that the east and west lines of said Raspberry Street shall be a continuation of the east and west lines of said Raspberry Street as the same is now laid out and opened north of Twenty-sixth Street; said continuation of Raspberry Street to extend from the south line of Twenty-sixth Street southwardly, twelve hundred and eighty-five and thirty-five one hundredths (1285.35) feet. The said street hereby laid out, opened and extended being the same street dedicated to public use by the Bacon Sub-division, recorded in the office of the Recorder of Deeds in and for said County of Erie, in Map Book No. 1, at page 63, a quit-claim deed to which street has been executed to the City of Erie by Charles E. Bacon and wife, and accepted by Councils on the 17th day of September, 1896. (a)

335. That Raspberry Street, from Twenty-sixth Street southwardly to the southern city line, be and the same is hereby laid out, opened and extended as a public highway, at a uniform width of sixty (60) feet, the east line of said Raspberry Street to be six hundred and sixty (660) feet westwardly from, and parallel with, the west line of Cascade Street, between the said points.

336. If any benefits shall be assessed against the owners of abutting property, the same shall be collected by and paid to the City of Erie, and if any damages shall be awarded for property taken or destroyed, the same shall be paid by the City of Erie upon being judicially determined.

(a) See next Section. Raspberry street, 60 feet wide, from 26th street southwardly 1285.35 feet, was conveyed to the city by Chas. E. Bacon and wife, by deed dated Sept. 7, 1896, accepted by the City of Erie Sept. 17, 1896, (S. C. Journal U, page 54), recorded Dec. 30, 1896, in Deed Book 121, page 95.

Street Grades Established by Ordinances

Arranged in Geographical Order from North to South and from East to West

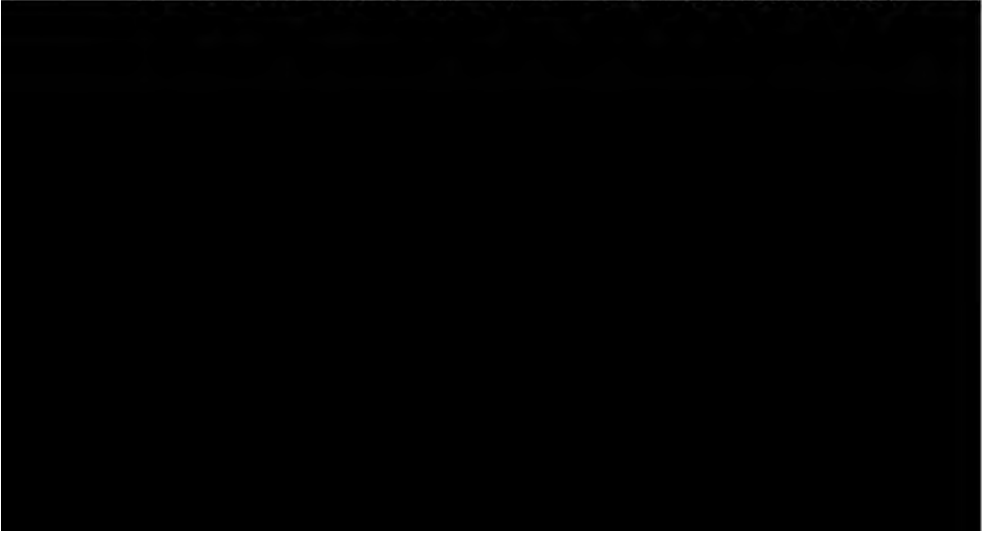
[Explanation.—For the grade elevations see the Ordinance Books in the City Clerk's office. The number of the ordinance and date of approval by the Mayor with name and page of the book in which each ordinance is recorded are given below.]

Grades have been established by City Ordinances for the streets and parts of streets as follows:

1. Front Street, from Parade Street to Holland Street, Ord. 1586, March 8, 1899, H 218.
2. Short Street, from Sassafras Street to Chestnut Street, Ord. 1564, Dec. 22, 1898, H. 205.
3. Queen Street, from East Avenue to Pennsylvania Avenue, Ord. 2230, Aug. 26, 1903, I. 312.
4. Second Street, from Parade Street to French Street, Ord. 1512, September 21, 1898, H. 185.

5. Second Street, from State Street to Cherry Street, Ord. 1935, Nov. 20, 1901, I 74.
6. Second Street, from Poplar Street to Cascade Street, Ord. 1938, Jan. 16, 1902, I 84.
7. Third Street, from Ash Street to Parade Street, Ord. 2615, March 10, 1906, J 181.
8. Third Street, from Ash Street to State Street, Ord. 1281, Nov. 21, 1896, G 288; see Supra 7 and Infra 9.
9. Third Street, from Parade Street to German Street, Ord. 1882, June 11, 1901, I 43.
10. Third Street, from State Street to Raspberry Street, Ord. 1253, Oct. 22, 1896, G 265. See Infra 11.
11. Third Street, from Cherry Street to Poplar Street, Ord. 2492, March 10, 1905, J 69.
12. Fourth Street, from Ash to French Street, Ord. 1271, Nov. 20, 1896, G 281. See Infra 13, 14.
13. Fourth Street, south sidewalk from Wallace Street to Ash Street, Ord. 2061, Sept. 4, 1902, I 173.
14. Fourth Street, from Parade Street to German Street, Ord. 1884, July 5, 1901, I 48.
15. Fourth Street, from Walnut Street to Cranberry Street, Ord. 1255, Oct. 22, 1896, G 268. See Infra 16, 17.
16. Fourth Street, from Poplar Street to Liberty Street (sidewalk grade), Ord. 2594, Dec. 11, 1905, J 164.
17. Fourth Street, from Cascade Street to Cranberry Street, Ord. 1661, Dec. 18, 1899, H 270.
18. Fifth Street, from Holland Street to East Avenue, Ord. 976, June 27, 1894, G 41. See Infra 19.
19. The ordinance establishing the grade of Fifth Street, from Holland to East Avenue, approved June 27, 1894, was amended by ordinance 1176, approved January 16, 1896, G 203.
20. Fifth Street, from Sass. St. to Cranberry Street, Ord. 1244, September 23, 1896, G 263. See Infra 21.
21. Fifth Street, from Raspberry Street to Cranberry Street, Ord. 1535, September 21, 1898, H 188.
22. Park Avenue north, from Poplar Street to Plum Street, Ord. 778.

31. Seventh Street, from Sassafras Street to Cherry Street, Ord. 746, September 1, 1892, E 218.
32. Seventh Street, from Cherry Street to Cranberry Street, Ord. 864, July 21, 1893, E 320-1. See *Infra* 33.
33. Seventh Street, from Cascade to Raspberry Street, Ord. 1808, February 18, 1901, H 381.
34. Eighth Street, from East Avenue to Pennsylvania Avenue, Ord. 2172, May 20, 1903, I 273.
35. Eighth Street, from East Avenue to Parade Street, Ord. 1767, September 14, 1900, H 354.
36. Eighth Street, from Parade Street to Walnut Street, Ord. 240, November 30, 1886, C 380.
37. Eighth Street, from Cherry Street to Cranberry Street, Ord. 854, July 21, 1893, E 318-319.
38. Columbus Street, from Pennsylvania Avenue, east 665 feet, Ord. 2047, September 4, 1902, I 172.
39. Ninth Street, from East Avenue to Parade Street, Ord. 2449, Dec. 22, 1904, J 52.
40. Ninth Street, from French Street to Holland Street, Ord. 526, July 5, 1890, D 384.
41. Ninth Street, from Cherry Street to Cranberry Street, Ord. 1022, Nov. 9, 1894, G 82. See *Infra* 42.
42. Ninth Street, from Raspberry Street to Cranberry Street, Ord. 2547, Aug. 17, 1905, J 127.
43. Tenth Street, from East Avenue to the Eastern City Limits, Ord. 2056, August 28, 1902, I 168.
44. Tenth Street, from State Street to Parade Street, Ord. 884, Aug. 16, 1893, E 325.
45. Tenth Street, from Cherry Street to Plum Street, Ord. 859, Jan. 22, 1894, E 350.
46. Tenth Street, from Plum Street to Cascade Street, Ord. 1454, December 20, 1897, H 125.
47. Tenth Street, from Plum Street to the Western limits of the city, Ord. 842, June 15, 1893, E 311. See *Supra* 46.
48. Prospect Street, from Pennsylvania Avenue East six hundred and sixty feet, Ord. 1941, Dec. 18, 1901, I 78.
49. Eleventh Street, from Pennsylvania Avenue to East Avenue, Ord. 1849, March 29, 1901, I 25.
50. Eleventh Street, from Parade Street to East Avenue, Ord. 966, March 28, 1894, G 22.
51. Eleventh Street, from Cherry Street to Cranberry Street, Ord. 860, January 22, 1894, E 352.
52. Twelfth Street, from East Avenue to Hess Avenue, Ord. 1850, March 29, 1901, I 26. See *Infra* 53.
53. Twelfth Street, from a point 500 feet west of East Avenue to Brandes Street, Ord. 2432, December 7, 1904, J 49.
54. Twelfth Street, from Parade Street to East Avenue, Ord. 1834, March 22, 1901, I 12. See *Supra* 53.
55. Twelfth Street, from Peach Street to Cranberry Street, Ord. 906, March 5, 1894, E 367. See *Infra* 56.
56. Twelfth Street, north curb line, from Sassafras Street to Walnut Street, Ord. 1453, Dec. 20, 1897, H 124.
57. Thirteenth Street, from Wayne Street to Parade Street, Ord. 1774, September 22, 1900, H 357.

58. Thirteenth Street, from Parade Street to Holland Street, Ord. 1851, March 29, 1901, I 27.
 59. Thirteenth Street, from French Street to Holland Street, Ord. 1725, May 11, 1900, H 314.
 60. Fourteenth Street, from Parade Street to Wayne Street, Ord. 1852, March 29, 1901, I 28.
 61. Fourteenth Street, from State Street to Parade Street, Ord. 931, Feb. 21, 1894, E 365.
 62. Fifteenth Street, from Parade Street to Reed Street, Ord. 1763, August 7, 1900, H 346.
 63. Fifteenth Street, from Parade Street to German Street, Ord. 1947, January 16, 1902, I 86.
 64. Fifteenth Street, from Peach Street to Sassafras Street, Ord. 1822, March 22, 1901, I 8.
 65. Huron Street, from Chestnut Street to Cherry Street, Ord. 1768, September 14, 1900, H 355.
 66. Sixteenth Street, from Parade Street to Wallace Street, Ord. 2516, June 9, 1905, J 112.
 67. Sixteenth Street, from Peach Street to Cascade Street, Ord. 1791, January 30, 1901, H 379.
 68. Seventeenth Street, from Cascade Street to Cranberry Street, Ord. 1823, March 22, 1901, I 9.
 69. Eighteenth Street, from Peach Street to Perry Street, Ord. 236, October 12, 1886, C 371.
 70. Eighteenth Street, from Liberty Street to Cranberry Street, Ord. 1944, January 27, 1902, I 91.
 71. Nineteenth Street, from Parade Street to Buffalo Road, Ord. 1734, June 1, 1900, H 325. See *Infra* 72.
 72. Nineteenth Street, from Ash to Reed Street, Ord. 2416, October 24, 1904, J 44.
 73. Nineteenth Street, from Peach Street to Raspberry Street, Ord. 1256, October 22, 1896, G 270.
 74. Twentieth Street, from Wayne Street to Buffalo Road, Ord. 2329, April 1, 1904, I 382.
 75. Twentieth Street, from German Street to Parade Street, Ord.
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85. Twenty-first Street, from Peach Street to Chestnut Street, Ord. 1424, November 5, 1897, H 92.

86. Twenty-first Street, from Liberty Street to Raspberry Street, Ord. 2093, November 19, 1902, I 191.

87. Twenty-second Street, from East Avenue to French Street, Ord. 1249, September 4, 1896, G 257. See *Infra* 88.

88. Twenty-second Street, from Holland Street to French Street, Ord. 1783, November 27, 1900, H 366.

89. Twenty-second Street, from Peach Street to Chestnut Street, Ord. 1294, January 30, 1897, G 306.

90. Twenty-second Street, from Cherry Street to Poplar Street, Ord. 2074, Nov. 8, 1902, I 183.

91. Twenty-third Street, from East Avenue to Pennsylvania Avenue, Ord. 2267, February 3, 1904, I 345.

92. Twenty-third Street, from State Street to East Avenue, Ord. 1349, June 10, 1897, H 14. See *Infra* 93.

93. Twenty-third Street, from French Street to Holland Street, Ord. 1520, August 18, 1898, H 179.

94. Twenty-third Street, from Peach Street to Chestnut Street, Ord. 1307, February 8, 1897, G 312.

95. Twenty-third Street, from Cherry Street to Cascade Street, Ord. 1325, March 20, 1897, G 350.

96. Twenty-fourth Street, from French Street to East Avenue, Ord. 1835, March 26, 1901, I 18. See *Infra* 97.

97. Twenty-fourth Street, from Wallace Street to Reed Street, Ord. 2206, August 17, 1903, I 300.

98. Twenty-fourth Street, from State Street to Peach Street, Ord. 2073, October 29, 1902, I 182.

99. Twenty-fourth Street, from Peach Street to Chestnut Street, Ord. 1308, February 8, 1897, G 314.

100. Twenty-fifth Street, from Reed Street to Brandes Street, Ord. 1987, March 21, 1902, I 126.

101. Twenty-fifth Street, from Holland Street to Reed Street, Ord. 1741, July 14, 1900, H 331.

This repeals Ord. 1305, approved February 8, 1897, G 311, so far as it applies from Holland to Parade Street.

102. Twenty-fifth Street, from French Street to Holland Street, Ord. 1662, November 28, 1899, H 269.

This repeals Ord. 1305, approved February 8, 1897, G 311, so far as it applies to this block.

103. Twenty-fifth Street, from Peach Street to Chestnut Street, Ord. 1324, March 20, 1897, G 349. See *Infra* 104.

104. Twenty-fifth Street, from Myrtle Street to Chestnut Street, Ord. 2327, March 17, 1904, I 362.

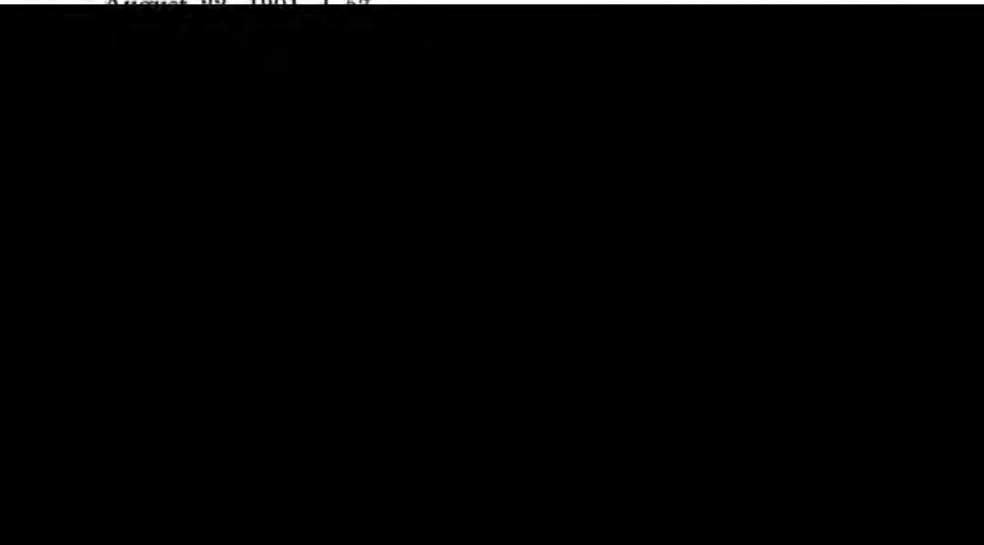
105. Twenty-sixth Street, from Peach Street to East Avenue, Ord. 1158, November 14, 1895, G 190. See *Infra* 106, 107, 108.

106. Twenty-sixth Street, from German Street to Parade Street, Ord. 1423, October 11, 1897, H 82.

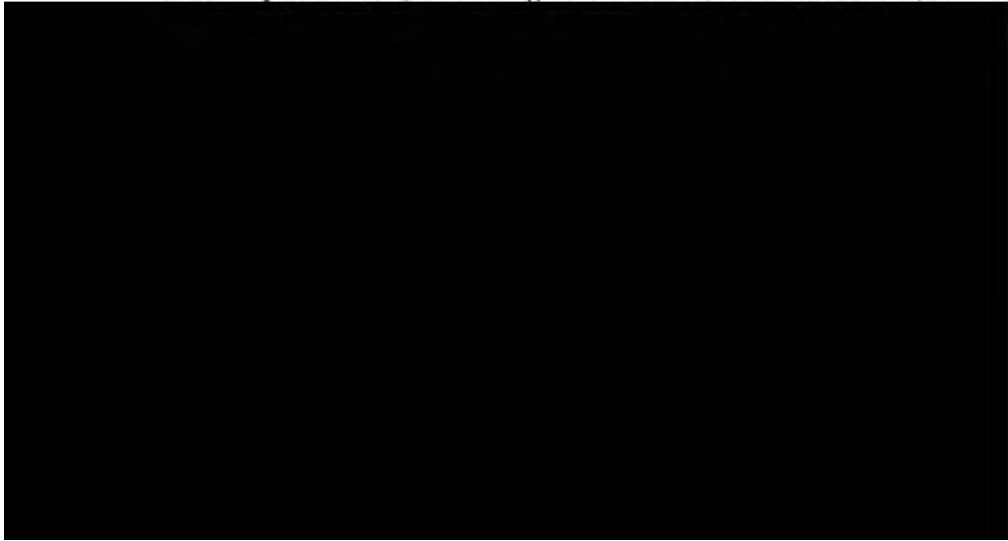
107. Twenty-sixth Street, north sidewalk, from State Street to Peach Street, Ord. 1789, Oct. 31, 1900, H 364.

108. Twenty-sixth Street, south sidewalk, from Peach Street to State Street, Ord. 2236, August 17, 1903, I 307.

109. Twenty-sixth Street, from Peach Street to Chestnut Street, Ord. 948, March 23, 1894, G 15.

110. Twenty-sixth Street, from Chestnut Street to Liberty Street, Ord. 890, February 9, 1894, E 362.
 111. Twenty-seventh Street, from Parade Street to Ash Street, Ord. 886, August 31, 1893, E 326.
 112. Twenty-seventh Street, from Chestnut Street to Peach Street, Ord. 1028, November 9, 1894, G 85.
 113. Twenty-seventh Street, from Raspberry Street to the western line of the city, Ord. 2518, June 9, 1905, J 114.
 114. Twenty-eighth Street, from East Avenue to the eastern city limits, Ord. 1869, May 24, 1901, I 40.
 115. Twenty-eighth Street, from Chestnut Street to Peach Street, Ord. 1027, November 9, 1894, G 84.
 116. Twenty-eighth Street, from Raspberry Street to Cranberry Street, extended, Ord. 2517, June 9, 1905, J 113.
 117. Moorhead Street, from Peach Street to State Street, Ord. 2117, January 14, 1903, I 213.
 118. Twenty-ninth Street, from Raspberry Street to the western line of the city, Ord. 2537, August 17, 1905, J 123.
 119. Thirtieth Street, or Seachrist Lane, from Holland Street to French Road, Ord. 2575, October 31, 1905, J 150.
 120. Warfel Avenue, from Buffalo Road to Twenty-third Street, Ord. 1234, August 10, 1896, G 251.
 121. Railroad Street, from Buffalo Road to Twenty-fifth Street, Ord. 1914, October 31, 1901, I 72. See *Infra* 122.
 122. Railroad Street, from Buffalo Road to Twenty-fourth Street, Ord. 2280, January 21, 1904, I 343.
 123. Pennsylvania Avenue, from Lake Road to Ninth Street, Ord. 2106, December 4, 1902, I 200.
 124. Pennsylvania Avenue, from Twelfth Street to the Lake Road, Ord. 1638, September 18, 1899, H 253. See *Supra* 123.
 125. Pennsylvania Avenue, from Twenty-third to Twenty-eighth Street, Ord. 2265, February 3, 1904, I 344.
 126. Brewster Street, from Eleventh Street to Twelfth Street, Ord. 2489, March 10, 1905, J 68.
 127. East Avenue, from Fifth Street to Lake Street, Ord. 1901, August 22, 1901, I 57.
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137. Wayne Street, from Twelfth Street to a point 120 feet south of Fourteenth Street, Ord. 2468, March 7, 1905, J 64.
138. Wayne Street, from Eighteenth Street to Twenty-sixth Street, Ord. 1237, September 23, 1896, G 259. See *Infra* 139.
139. Wayne Street, from Nineteenth Street to Twenty-first (curb and sidewalk), Ord. 2357, October 24, 1904, J 43.
140. Reed Street, from Ninth Street to Fifteenth Street, Ord. 1853, March 29, 1901, I 29.
141. Reed Street, from Twenty-first Street to Twenty-sixth Street, Ord. 1624, July 12, 1899, H 245.
142. Ash Street, from Third Street to Eighteenth Street, Ord. 1274, November 20, 1896, G 284.
143. Ash Street, from Eighteenth Street to Twenty-seventh Street, Ord. 964, April 4, 1894, G 31.
144. Wallace Street, from Second Street to Eighth Street, Ord. 1975, February 25, 1902, I 109.
145. Wallace Street, from Eighth Street to Fifteenth Street, Ord. 2470, March 24, 1905, J 72.
146. Wallace Street, from Eighteenth to Nineteenth Street, Ord. 2263, October 29, 1903, I 326.
147. Wallace Street, from Twenty-fourth Street to Twenty-seventh Street, Ord. 807, March 21, 1893, E 284.
148. Parade Street, from Fourth Street to Front Street, Ord. 1374, July 6, 1897, H 35. See *infra* 149.
149. Parade Street, from Fourth Street to Second Street, Ord. 1883, June 11, 1901, I 44.
150. Parade Street, from Sixth Street to Fourth Street, Ord. 542, June 28, 1890, D 378.
151. Parade Street, from Eighteenth Street to Twenty-eighth Street, Ord. 1313, March 10, 1897, G 337.
152. Pine Avenue (formerly Wattsburg Road), from Twenty-eighth Street to the south city limits, Ord. 1033, November 10, 1894, G 89.
153. Marvin Avenue, from Pine Avenue to the southern city limits, Ord. 1340, June 7, 1897, H 2. See *Infra* 154.
154. Marvin Avenue, from Pine Avenue south seven hundred and eighty-five (785) feet, Ord. 2036, August 16, 1902, I 160.
155. French Road, from the center of Twenty-eighth Street to the south city limits, Ord. 1148, October 29, 1895, G 183.
156. German Street, from Front Street to Eighth Street, Ord. 977, June 27, 1894, G 42.
157. German Street, from Eighth Street to Eighteenth Street, Ord. 2139, March 10, 1903, I 242.
158. German Street, from Eighteenth Street to Twenty-sixth Street, Ord. 1342, June 7, 1897, H 3. See *Infra* 159.
159. German Street, from Twenty-fourth Street to Twenty-sixth Street, Ord. 1740, July 16, 1900, H 330.
160. Holland Street, from Front Street to Eighth Street, Ord. 975, June 28, 1894, G 40.
161. Holland Street, from Eighteenth Street to the south city line, Ord. 1160, December 4, 1895, G 193.
162. French Street, from Eighteenth Street to Twenty-sixth Street, Ord. 794, January 18, 1893, E 278-279. See *Infra* 163.
163. French Street, from Twenty-third Street to Twenty-sixth Street, Ord. 1775, September 22, 1900, H 358.

164. State Street, from Second Street to Fourteenth Street, Ord. 386, April 6, 1889, D 202.
 165. State Street, from Fourteenth Street to Sixteenth Street, Ord. 754, September 26, 1892, E 219.
 166. State Street, from Eighteenth Street to Twenty-first Street, Ord. 2511, March 23, 1905, J 99.
 167. State Street, from Eighteenth to Twenty-fifth Street, Ord. 1341, June 10, 1897, H 11. See Supra 166 and Infra 168, 169.
 168. State Street, from Twenty-third Street to Twenty-sixth Street, Ord. 1744, July 19, 1900, H 340. See Infra 169.
 169. State Street, east curb line from Twenty-fourth Street to Twenty-sixth Street, Ord. 1803, December 19, 1900, H 372.
 170. State Street, from Twenty-sixth Street to the southern city limits, Ord. 2144, March 21, 1903, I 247.
 171. Turnpike Street, from Fourteenth Street to Fifteenth Street, Ord. 730, April 2, 1892, E 189.
 172. Horton Street, from Orchard Street southeast 380 feet, Ord. 1826, March 22, 1901, I 11.
 173. Orchard Street, from Peach Street to the southern city limits, Ord. 1825, March 22, 1901, I 10.
 174. Peach Street, from Fourteenth Street to Fifteenth Street, Ord. 728, April 2, 1892, E 187.
 175. Peach Street, from Twenty-sixth Street southwardly 1,850 feet, Ord. 764, October 5, 1892, E 232.
 176. Sassafras Street, from Fifth Street to Short Street, Ord. 868, January 22, 1894, E 351.
 177. Sassafras Street, from Eighteenth Street to Twenty-sixth Street, Ord. 798, March 25, 1893, E 286-7.
 178. Scott Street, from Twenty-seventh Street to Myrtle Street, Ord. 1295, January 30, 1897, G 308.
 179. Myrtle Street, from Fourth Street to Front Street, Ord. 1942, January 29, 1902, I 93.
 180. Myrtle Street, from Fourth Street to Eighteenth Street, Ord. 934, March 5, 1894, E 371.
 181. Myrtle Street, from Eighteenth Street to Peach Street, Ord.
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191. Cherry Street, from Second Street to Sixth Street, Ord. 1243, September 23, 1896, G 262.
192. Cherry Street, from Twenty-sixth Street to Eighteenth Street, Ord. 888, February 9, 1894, E 360.
193. Cherry Street, from Twenty-sixth Street southwardly to the south city limits, Ord. 1026, November 10, 1894, G 83.
194. Maple Street, from Twenty-sixth Street to the southern city limits, Ord. 1664, Dec. 18, 1899, H 271.
195. Hazel Street, from Twenty-sixth Street to the southern city limits, Ord. 1665, December 18, 1899, H 272.
196. Poplar Street, from Second Street to Park Avenue north, Ord. 1343, May 27, 1897, H 1.
197. Poplar Street, from Park Avenue south [north] to Twelfth Street, Ord. 1021, November 10, 1894, G 79.
198. Poplar Street, from Eighteenth Street to Twenty-sixth Street, Ord. 1838, March 22, 1901, I 14.
199. Liberty Street, from Second Street to north curb of Park Avenue north, Ord. 1254, October 22, 1896, G 267.
200. Liberty Street, from Seventh Street to Twelfth Street, Ord. 862, January 22, 1894, E 356.
201. Liberty Street, from Eighteenth Street to Twenty-sixth Street, Ord. 889, February 9, 1894, E 361.
202. Liberty Street, from Twenty-sixth Street to Thirty-second Street, Ord. 2421, September 26, 1905, J 135.
203. Plum Street, from Second Street northwardly 200 feet, Ord. 2611, December 27, 1905, J 171.
204. Plum Street, from Park Avenue north to Second Street, Ord. 861, July 21, 1893, E 315.
205. Plum Street, from Park Avenue north to Park Avenue south, Ord. 779, November 1, 1892, E 251.
206. Plum Street, from Park Avenue south to Twelfth Street, Ord. 858, January 9, 1894, E 346.
207. Plum Street, from Eighteenth Street to Twenty-sixth Street, Ord. 1296, January 30, 1897, G 309.
208. Plum Street, from Twenty-sixth Street to the southern city limits, Ord. 2454, February 2, 1905, J 59.
209. Cascade Street, from Sixth Street to Twelfth Street, Ord. 863, January 22, 1894, E 354-5.
210. Cascade Street, from Twenty-second Street to Twenty-third Street, Ord. 2582, November 4, 1905, J 151.
211. Raspberry Street, from Third Street to Eighth Street, Ord. 1509, July 11, 1898, H 166.
212. Raspberry Street, from Eighth Street to Tenth Street, Ord. 799, January 18, 1893, E 280.
213. Raspberry Street, from Tenth Street to Twelfth Street, Ord. 856, January 22, 1894, E 348.
214. Raspberry Street, from Twenty-sixth Street to Thirtieth Street, Ord. 2143, March 18, 1903, I 244.
215. Cranberry Street, from Sixth Street to Twelfth Street, Ord. 849, June 15, 1893, E 312.

Taxes and Assessments.

[See "Licenses."]

1. Bureau of Assessments and Tax Revision created; records.
2. Office of Secretary created; term.
3. Duties of Secretary; office hours.
4. Statement of improvements; copy of last preceding assessment.
5. Secretary to act as clerk of Board of Appeals.
6. Salary of Secretary.
7. Plots and records.
8. Building Inspector to report to Secretary.
9. Bureau to include Board of Appeals.
10. Location of office.
11. Compensation of Board of Revision of taxes and appeals.
12. Compensation of Clerk.
13. City assessors; salary and period of employment.
14. Compensation of assistant assessors.
15. Sewer assessment abatements for corner lots.
16. Contractors to receive excess of receipts over appropriation for sewers.
17. Paving abatements; how regulated.
18. Former system to apply in part to streets paved prior to 1880.
19. Paving abatements abolished.

20. Eight per cent of Refunding Bonds of 1889.
21. One-third mill for series of 1901.
22. To commence in 1902.
23. One-tenth mill for Glenwood Park Series of 1902.
24. To commence in 1902.
25. One-fifteenth mill for Hospital Series of 1902.
26. To commence in 1902.
27. One-tenth mill for Second Series of 1902.
28. To commence in 1902.
29. One-sixth mill for East Avenue Main Sewer Series of 1902.
30. To commence in 1903.
31. One-twentieth mill for Fire Engine House Bonds.
32. To commence in 1903.
33. One-fifteenth mill for Overhead Crossing Bonds.
34. To commence in 1904.
35. One-sixteenth mill for Fourth, Ninth and Twelfth Street Paving Series.
36. To commence in 1904.
37. Seven-thirtieths of mill for Judgment, etc., Series, 1904.
38. To commence in 1905.

Ord. 2351,
June 11, 1904.
§ 1. J. 8.

Bureau of
Assessments
and Tax Re-
vision cre-
ated.
Records.

Id. § 2.
Office of
Secretary
created.
Term.

1. That there shall be, and is hereby created and established for the City of Erie a "Bureau of Assessments and Tax Revision" in which a record of all taxable property in the said City shall be kept, together with the records of all assessments as made by the City Assessors, including all plots of real estate, and records of the transfers of the ownership of the same. Also a record of all improvements, public or private, in anywise affecting the value of the same.

2. That there is hereby created the office of "Secretary of the Bureau of Assessments and Tax Revision" to be elected by the Councils in joint convention. He shall hold said office for the term of three years, or during good behavior, and may be removed by the Mayor or by a three-fourths vote of the members of Councils in joint convention, for neglect of

time that the City Assessors commence to make their assessment, and shall furnish each assessor with a copy thereof. He shall also furnish a copy of the same to the Court of Appeals.

June 11, 1904
Copy of last
preceding
assessment.
Id. § 5.

5. The Secretary shall also act as Clerk for the Board of Assessors, and of the Board of Appeals. (a)

Secretary
to act as
clerk of
Board of
Appeals.
Id. § 6.

6. The salary of the Secretary shall be seven hundred and twenty dollars (\$720) per year payable in monthly installments of \$60 each.

Salary of
Secretary.
Id. § 7.

7. The Board of City Assessors shall deposit and keep in the office of the Bureau of Assessments and Tax Revision all plots and records made by them, which are hereby declared to be the property of the City of Erie; and they shall transact all the business pertaining to their office in the office of said Bureau.

Plots and
records.

8. The Building Inspector is hereby directed to make monthly reports to the Secretary of the Bureau upon blanks prepared by said Secretary, which reports shall show all completed buildings or additions to buildings for which building permits have been issued by the City of Erie, and the value of said improvements.

Id. § 8.
Building
Inspector to
report to
Secretary.

9. The Board of Appeals is hereby declared a component part of the Bureau of Assessments and Tax Revisions.

Id. § 9.
Bureau to
include
Board of
Appeals.
Id. § 10.

10. The office of the Bureau of Assessments and Tax Revision shall be in the City Hall, and until other arrangements are made the Secretary shall have desk room in the office of the City Clerk.

Location of
office.

11. That the compensation of the members of the Board of Revision of Taxes and Appeals, shall be and is hereby fixed at the sum of three dollars (\$3.00) per day for each member of said Board for each day necessarily and actually employed by them in the performance of their duties as members of said Board.

Ord. 1166,
Dec. 30, 1896.
§ 1. G. 202.

Compensa-
tion of
Board of
Revision of
Taxes and
Appeals.
Id. § 2.

12. That the Clerk of said Board shall receive the sum of two dollars (\$2.00) per day for each day actually employed by him in attendance upon said Board during its sessions. (b)

Compensa-
tion of
Clerk.

13. That the compensation of the members of the Board of Assessors for the City of Erie, be and is hereby fixed at the sum of Four Dollars (\$4.00) for each and every day necessarily employed in the performance of the duties of their office: *Provided*, that the time occupied by said members during the years 1890 and 1891 shall not exceed three hundred (300) days, and that the time occupied in any triennial assessment thereafter, shall in no case exceed three hundred (300) days. And provided, further, that in any year intervening between triennial assessments, the members of said Board shall not be allowed compensation for a longer period than one hundred and fifty (150) days.

Ord. 687,
Oct. 7, 1891.
§ 1. E. 157.

City assess-
ors; salary
and period
of employ-
ment.

(a) See Act of May 23, 1895, Sec. 3 (b) See Supra 6.
P. L. 121.

Oct. 7, 1891
Id. § 2.

Compensation of assistant assessors.

14. That the compensation of Assistant Assessors be and is hereby fixed at the sum of Two Dollars (\$2.00) for each and every day necessarily employed by them in the performance of the duties of their office: *Provided*, said Assistant Assessors shall in no case be allowed compensation for a period exceeding sixty (60) days.

Ord. 327.
Feb. 13, 1893.
D. 122.

Sewer assessment abatements for corner lots.

15. That hereafter whenever any corner lot shall be assessed for the construction of a sewer in a street in front of such lot, which said lot has theretofore been assessed for a sewer constructed in another street, forming a boundary of such corner lot, and shall have paid such first assessment in full, it shall be the duty of the City Engineer in making out the assessment lists for such second sewer to exempt from said assessment the first twenty feet of such corner lot adjoining the street in which said first sewer was built; *provided*, such exemption shall only be allowed where the sewer first constructed extended along the entire front of the lot assessed.

Ord. 767.
Nov. 17, 1892.
§ 1. E. 264.

Contractors to receive excess of receipts over appropriation for sewers.

16. That the City Controller be and is hereby authorized to draw warrants in favor of contractors for all balances remaining in the hands of the Treasurer of the City, for any sewer heretofore constructed, now in process of construction, or that may hereafter be constructed; which said balances have been caused by the fact that the amounts collected under the assessment for said sewers have exceeded the amount appropriated therefor by the ordinance directing the construction of said sewers.

April 1, 1890.
§ 1. A. 637.

Paving abatements. How regulated.

17. That in the levy and assessment of taxes upon any lot or lots fronting on a street or streets which shall be hereafter paved, from curb to curb, at the expense of the owners of property fronting thereon, under and by virtue of any ordinance or ordinances of the City of Erie, an annual abatement on all lots fronting on the improved part of such street or streets, shall be made in city taxes of five per centum of the cost of the pavement per foot lineal for the term of ten years,

18. As to streets already paved, the abatement shall remain as now provided by ordinance (a) until such time as said abatement shall amount to fifty per centum of the cost of said improvement; and thereafter said abatement shall be disallowed; *provided*, that in all cases where any street or streets has or have been repaved, said abatement shall immediately cease; and in all cases where streets shall be hereafter repaved, all abatements thereon shall thereafter immediately cease.

April 1, 1880.
Id. § 2.

Former system to apply in part to streets paved prior to 1880.

19. That from and after the first Monday in January, A. D. 1896, no abatement of city taxes shall be allowed on any lot or lots by reason of the fact that said lot or lots front upon any street which has been or may hereafter be paved at the expense of the owners of property abutting thereon. (b)

Ord. 1132.
Sept. 16, 1896.
§ 1. G. 167.

Paving abatements abolished.

INTEREST AND SINKING FUND TAX LEVIES.

20. An annual tax equal to eight per centum of the amount of bonds (\$50,000) that may be issued under the provisions of this ordinance commencing the first year after the issuing of the same, shall be and is hereby assessed to provide for the payment of the interest on said bonds, and the liquidation of the principal thereof.

Ord. 381.
Jan. 18, 1889.
§ 3. D. 192.

Eight per cent of Refunding bonds of 1889.

21. That a tax of one-third of one mill upon each dollar of assessed valuation of all property taxable for city purposes, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity, of \$70,000 of bonds of the series of 1901, to be issued in accordance with the provisions of Ordinance, Bill No. 1797, approved December 19, 1900.

Ord. 1919.
Sept. 11, 1901.
§ 1. I. 68.

One-third mill for series of 1901.

22. The collection of said tax shall commence with the fiscal year beginning on the first Monday of April, 1902.

Id. § 2.

To commence in 1902.

23. That a tax of one-tenth (1-10) of one mill upon each dollar of assessed valuation of all property taxable for city purposes, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity, of \$16,000 of bonds of the Glenwood Park Series of 1902, to be issued in accordance with the provisions of Ordinance, Bill No. 1946, approved March 8, 1902.

Ord. 1909.
Mar. 27, 1902.
§ 1. I. 140.

One-tenth mill for Glenwood Park series of 1902.

24. The collection of said tax shall commence with the fiscal year beginning on the first Monday of April, 1902.

Id. § 2.

To commence in 1902.

(a) Ordinance of May 7, 1874, A 445, provides that the abatement of city taxes on property fronting on paved streets shall be as follows: "Twelve and one-half cts. per ft. front on property fronting on said improvement, where the street is one hundred feet wide, and nine cents per foot where said street is sixty feet wide."

(b) This ordinance, as interpreted by the Courts, does not apply to, nor interfere with, the allowance of abatements on taxes on property abutting on streets paved at the expense of such

property, under ordinances passed prior to the date of the passage of this ordinance.

Where a later ordinance creates a condition to which an earlier general ordinance becomes applicable, the two are to be construed together. The repeal of an ordinance under which private parties have acquired vested rights cannot operate to impair contract obligations. See *Erie vs. Griswold*, 5 Superior Ct. R. 132; 184 Pa. 435, and *Erie vs. Carey*, 12 Superior Ct. R. 584.

Ord. 2000,
Mar. 27, 1902.
§ 1. I. 141.

One-fifteenth mill
for Hospital
Series of
1902.

Id. § 2.

To com-
mence in
1902.

Ord. 2002,
April 4, 1902.
§ 1. I. 144.

One-tenth
mill for Sec-
ond Series
of 1902.

Id. § 2.

To com-
mence in
1902.

Ord. 2077,
Nov. 20, 1902.
§ 1. I. 192.

One-sixth
mill for
East Avenue
Main Sewer
Series of
1902.

Id. § 2.

To com-
mence in
1903.

Ord. 2104,
Dec. 4, 1902.
§ 1. I. 198.

One-twenti-
eth mill for
Fire Engine

25. That a tax of one-fifteenth (1-15) of one mill upon each dollar of assessed valuation of all property taxable for city purposes, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity, of \$15,000 of bonds of the Hospital Series of 1902, to be issued in accordance with the provisions of Ordinance, Bill No. 1893, approved February 20, 1902.

26. The collection of said tax shall commence with the fiscal year beginning on the first Monday of April, 1902.

27. That a tax of one-tenth (1-10) of one mill upon each dollar of assessed valuation of all property taxable for city purposes, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity, of \$23,000 (a) of bonds of the Second Series of 1902, to be issued in accordance with the provisions of Ordinance, Bill No. 1950, approved March 19, 1902.

28. The collection of said tax shall commence with the fiscal year beginning on the first Monday of April, 1902.

29. That a tax of one-sixth (1-6) of one mill upon each dollar of assessed valuation of all property taxable for City purposes, in the City of Erie, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity of \$28,000 (b) of bonds of the East Avenue Main Sewer Series of 1902, to be issued in accordance with the provisions of ordinance, Bill No. 2023, approved August 22, 1902.

30. The collection of said tax shall commence with the fiscal year, beginning on the first Monday of April, 1903.

31. That a tax of one-twentieth (1-20) of one mill upon each dollar of assessed valuation of all property taxable for city purposes, in the City of Erie, shall be and the same is hereby levied for the purpose of paying the annual interest

35. That a tax of one-sixteenth (1-16) of one mill upon each dollar of assessed valuation of all property taxable for city purposes in the City of Erie, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity of \$14,700 (a) of bonds of the "Fourth, Ninth and Twelfth Street Paving Series," to be issued in accordance with the provisions of Ordinance, Bill No. 2046, approved March 3, 1903.

Ord. 2152,
April 1, 1903.
§ 1. I. 261.

One-sixteenth mill for Fourth, Ninth and Twelfth Street Paving Series.

36. The collection of said tax shall commence with the fiscal year, beginning on the first Monday of April, 1904.

Id. § 2.
To commence in 1904.

37. That a tax of seven-thirtieths (7-30) of one mill upon each dollar of assessed valuation of all property taxable for city purposes in the City of Erie, shall be and the same is hereby levied for the purpose of paying the annual interest and the liquidation of the principal at maturity of \$52,000 of bonds of the "Judgment and Liability Liquidating Series, 1904," to be issued in accordance with the provisions of Ordinance, Bill No. 2433, approved February 2, 1905.

Ord. 2497,
Mar. 29, 1905.
§ 1. J. 76.
Seven-thirtieths of mill for Judgment, etc. Series, 1904.

38. The collection of said tax shall commence with the fiscal year beginning on the first Monday of April, 1905.

Id. § 2.
To commence in 1905.

(a) Only \$11,000 of the 4th, and 12th street paving Series were issued.

Ward Foremen.

1. Offices of Ward Foremen created.
2. Appointment; term.
3. Duties; in charge of sidewalks.

4. Powers; employment of labor; to be subordinate to Superintendent of Streets.
5. Salaries.

1. That the office of Foreman of Street and Sidewalk Work, for each ward of the City of Erie, is hereby created.

Ord. 1419,
Sept. 23, 1897.
§ 1. H. 73.

2. The appointments of each of said Ward Foremen shall be made annually in the month of April. The term of office shall commence on the first day of May succeeding his appointment and shall continue for one year, or until his successor has been appointed and qualified.

Offices of Ward Foremen created.

Id. § 2.

3. It shall be the duty of each of said Ward Foremen to take charge of and perform the work of repairing the streets in the ward for which he shall have been appointed. It shall also be his duty to take charge of the sidewalks in such ward, and to require the owners of real estate or their agents to construct and repair said sidewalks according to existing ordinances. He shall have authority and it shall be his duty to serve the proper notices for the repair and construction of sidewalks in such ward, and he shall promptly report the service of such notices to the Superintendent of Streets, for record, according to such regulations as may be prescribed by said Superintendent.

Appointment; term.

Id. § 2.

Duties.

In charge of sidewalks.

Sept. 22, 1897.
Id. § 4.

Powers; employment of labor; to be subordinate to Superintendent of Streets.

4. That each of the said foremen shall have the power to employ all labor and teams necessary for the work under his direction, provided that the prices to be paid for such labor and teams shall be the current wages for such as may from time to time be fixed by the Councils of the City. The said foremen shall be subject to the control and direction of the Superintendent of Streets of the City of Erie, as to the manner in which his work shall be done, and also as to the number of employees necessary in the proper performance of said work; and all bills submitted by said foreman for work done in his ward before being paid, must be certified as correct by said Superintendent of Streets.

Id. § 5.
Salaries.

5. The salary of each of said Ward Foremen of Street and Sidewalk Work shall be Six Hundred Dollars (\$600) per annum, payable monthly, (a) for each month employed in said work; and the time of said foreman shall be certified to by the Superintendent of Streets before the compensation shall be allowed.

(a) So amended by Ord. 1702, approved March 31, 1900, H 306.

Ward Funds.

1. Transfer from General and Contingent fund to Ward funds; percentage to each ward.

Ord. 2384,
Aug. 4, 1904.
§ 1. J. 22.

Transfer from General and Contingent Fund to Ward

1. That from and after the passage of this ordinance, all moneys and funds which shall be received into the General and Contingent Fund of the City of Erie under existing and future ordinances and resolutions shall, immediately upon their receipt into said fund, be apportioned by the City Controller among the Special Funds to be designated by resolu-

Ward Inspectors

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|--|--|
| <p>1. Offices of Ward Inspectors created; appointment; term.
 2. Duties.
 3. Bond.
 4. Salaries.</p> | <p>5. Services not confined to respective wards; when additional Inspectors may be appointed; their discharge.
 6. Amount of bond.</p> |
|--|--|

1. That there shall be, and is hereby created, in each ward of the City of Erie, an office to be known as the Ward Inspector of the construction of pavements and sewers; said officer shall act as inspector of the construction of all sewers and pavements constructed in the ward of which he is a resident, and for which he has been appointed inspector. The said office shall be filled by appointment by the Mayor, and confirmed by the Select Council of the City of Erie, annually, on the second Monday of April, or at the first regular meeting of the Select Council thereafter, and the person so appointed shall enter upon the discharge of his duties on the first Monday of May, and shall hold office for the term of one year thereafter, until his successor has been duly qualified.

Ord. 1267,
June 18, 1897.
§ 1. H. 26.
Offices of
Ward In-
spectors cre-
ated; ap-
pointment;
term.

2. It shall be the duty of the said Ward Inspector to see that all sewers and pavements contracted for or constructed by the City of Erie, in the ward of which he has been appointed inspector shall be laid, built, erected and constructed in strict accordance with the plans and specifications therefor, submitted by the City Engineer, and said Ward Inspector shall further keep a record of all work done under his inspection, the date of the commencement of said work, the date of completion of said work, and a record of all complaints made to him, or filed with him, about any work done, or being done, under his inspection, together with a record of his action thereon. He shall further certify and report to Councils whenever required, over his official signature, the condition of work under his inspection, and the manner in which the same is being or has been done, together with such other matters as the Councils may require.

Id. § 2.
Duties.

3. Each of the said Ward Inspectors and additional Inspectors hereinafter provided for, before qualifying, or assuming the duties of his office, shall file a bond, with sufficient sureties, to be approved by the Mayor, said bond to be conditioned for the faithful performance of the duties of his office as the same are hereby defined, or may be from time to time regulated by ordinance or resolution of Councils; and further conditioned that he shall save the City of Erie harmless from any and all actions, suits or claims brought against the said city by reason of the faulty construction, erection or laying of any of the work under his inspection; and that he shall refund to the City of Erie any and all moneys that said City of Erie may be compelled to expend for the repair of any work done under his superintendence, whenever such repairs shall have been rendered necessary by the failure of the contractor doing said work to carry out the terms of his contract.

Id. § 3.
Bond.

June 18, 1897
Id. § 4.

Salaries.

4. The salary of said Ward Inspector of the construction of pavements and sewers shall be and is hereby fixed at the sum of Two Dollars and Fifty Cents (\$2.50) for each and every day necessarily employed by him in the transaction of the business of his office, said compensation to be paid to him by the City Controller, upon his affidavit properly made thereto and accepted by said City Controller: The compensation above provided for, shall be paid to said Ward Inspector from the fund derived from the assessment of said purposes made upon said improvements, which said assessment shall remain as it now is.

Id. § 5.
Service not
confined to
respective
wards; when
additional
inspectors
may be ap-
pointed;
their dis-
charge.

5. When there is more than one improvement in progress in a certain ward requiring the services of an Inspector, the City Engineer shall designate one or more unemployed Inspectors from other wards to inspect a portion of the work, and when there are more than six Inspectors required in the City at one time, the Mayor shall appoint and the Select Council shall confirm such additional Inspectors as may be required to inspect the work in progress and the said additional Inspectors shall be deemed to be discharged when the particular improvements for which they shall have been appointed, are completed. The compensation, duties and qualifications for such extra Inspectors shall be the same as for regular Inspectors.

Id. § 6.
Amount of
bond.

6. The amount of bond required for each regular Ward Inspector is hereby fixed at \$2,000 and for each additional Inspector at such sum as the City Engineer may designate.

Water Department

Office, City Hall.

Office hours from 8:00 a. m. to 5:00 p. m.; on Mondays to 9 p. m.
Borough meeting room, Saturday, 8:00 a. m. to 12:00 p. m. and the first day of

The Rules and Regulations of the Commissioners of Water Works in the City of Erie, have the same force and effect as City Ordinances.

INTRODUCTION OF CITY WATER.

1. City water shall not be introduced into any premises without application having been first made at the office of the Commissioners of Water Works in the City of Erie, and granted officially.

2. Every such application must be made by the owner of the property to be benefited, or his authorized agent, according to the form prescribed by the Commissioners of Water Works.

3. Applications shall only be granted upon the condition that the owner of the property benefited shall pay the Commissioners of Water Works not less than five (5) dollars per annum from the date the connection is made, subject to rebate for vacancy, credit for same to be computed from date that notice of vacancy is given the Commissioners of Water Works at their office.

4. Manufactories and other large concerns using a partial supply of city water must take the same through a meter, furnished, set and kept in repair at their own expense, which meter shall be approved by the Commissioners of Water Works and always under their control; *provided*, that no charge shall be made for the meter when the use of water amounts to seventy-five (75) dollars per annum, and the size of meter required does not exceed three-fourths of an inch.

STREET CONNECTIONS.

5. No person but an authorized employee of the Commissioners of Water Works shall tap any main or distributing pipe.

6. No street main will be tapped for the insertion of a larger pipe than one (1) inch.

7. When the street connection does not exceed three-fourths of an inch in size, it will be made at the expense of the Commissioners of Water Works. If a larger connection is called for, the cost of the same in excess of a three-quarter connection will be charged to the applicant; *provided*, that when a revenue of twenty-five (25) dollars per year is assured, it may, at the option of the Commissioners of Water Works, be made at their expense.

8. Except by a special vote of the Commissioners of Water Works, but one connection will be made for the same premises. Where premises have more than one connection, and it is desired to meter the supply, the Commissioners of Water Works may reduce the number to one of adequate size.

STOP COCK AND BOX.

9. Every street connection, at the time of making the same, shall be provided with a separate stop cock and box, at the curb of the sidewalk when practicable, for each tenement or premises to be supplied.

OWNERSHIP AND REPAIRS.

10. The stop and box at the curb are the property of the Commissioners of Water Works, placed there for their sole use.

11. The pipe from the curb in to the premises of the water taker is his property, and all repairs to the same must be made at his expense. If it becomes necessary to use the above mentioned stop for the purpose of turning off the water, to make repairs, and it cannot be operated without opening the ground to the same, the cost must be borne by the party benefited.

WATER DEPARTMENT RULES.

12. After the ground has been opened, if a new box is required, it will be furnished by the Commissioners of Water Works free of charge on application by a licensed plumber.

DEPTH OF PIPE.

13. All pipe laid in the streets shall be at depth of five (5) feet below the established grade thereof.

NO NEW WORK IN WINTER.

14. No additional distributing main nor street connection shall be laid between the 1st of December and the 1st of April unless by request of the City Councils.

PRIVATE PLUMBING.

15. Unless otherwise arranged in advance with the Commissioners of Water Works, all plumbing from the curb inwards must be done by a licensed plumber at the expense of the owner of the property. This regulation shall not be construed to prevent parties from digging their own trenches and furnishing their own material and fixtures.

16. In case of refusal of plumbers licensed by the Commissioners of Water Works to do work for private parties solely because of their furnishing their own material as above, the Commissioners of Water Works reserve the right to authorize such work to be done under such regulations or order as shall seem just to all parties concerned.


17. The Commissioners of Water Works shall furnish no material for use on private premises, and do no work thereon, except at the cost of the party benefited.

SERVICE PIPE.

18. All service pipe (meaning pipe from the curb inward) must be laid five (5) feet below the surface.

19. Every service pipe must have a stop and waste inside the premises, so placed and kept as always to be ready for use. It must control the whole supply and drain all the pipes and fixtures on said premises. It must be secure from frost, and provided with a key approved by the Commissioners of Water Works, which key shall be kept in a convenient place ready for immediate use.

20. Where water pipe is put into buildings having front areas it



FOUNTAINS.

24. Fountains, fountain jets, etc., will be assessed according to the inside diameter of its principal part or parts and for a continuous flow during the entire sprinkling season.

25. The supply pipe to each outdoor fountain shall be furnished with a special stop cock, at the curb if practicable, which shall always be under the control of the Commissioners of Water Works.

26. Outdoor fountains will only be allowed to flow between the 15th day of May and the 15th day of October of each year.

27. Faucets to public drinking fountains shall be self-closing, of a style approved by the Commissioners of Water Works, and the supply to all such fountains shall be controlled by them.

SPRINKLING WITH HOSE.

28. Assessments for the use of hose for sprinkling shall be based upon the territory that will probably be sprinkled, under such regulations as the Commissioners of Water Works shall adopt; but no charge for sprinkling shall be less, for any separately occupied premises, than three (\$3.00) dollars per season. The sprinkling season is from May 1st to November 1st in each year. There is no fractional part of a sprinkling season. It will cost as much to sprinkle but once at any time during the sprinkling season as it will to sprinkle each day at the prescribed hours, during the entire sprinkling season.

29. The inside diameter of hose used for sprinkling purposes must not be more than three-quarters of an inch, and the inside diameter of the orifice to the nozzle of the same must not be more than one-quarter of an inch. The use of leaky or defective hose is prohibited.

30. Sprinkling fixtures to which hose can be attached, no matter where located on any premises, makes said premises assessable for sprinkling. Sprinkling for any purpose will only be allowed on premises where water is taken and paid for for domestic or other inside use.

31. No apparatus for street or lawn sprinkling shall be used except between the hours of 5 and 8 a. m., 12 and 1 p. m. and 5 and 8 p. m.; nor during said intervals more than one hour at a time. Parties who exceed one hour may be charged at fountain rates, or held liable for violation of the rules, at the option of the Commissioners of Water Works.

32. Sprinkling from cellar or kitchen faucets will not be allowed without permission from the Commissioners of Water Works.

33. Hose shall not be used for cleaning streets or street gutters, for washing away collections of leaves, heaps of dirt or offal, for flooding the streets, nor in any wasteful manner otherwise.

34. No person will be allowed to sprinkle adjoining or opposite premises, nor use the water from any hose attachment or through any hose for any purpose not authorized by the Commissioners of Water Works. All sprinkling devices not held in the hand when used shall be classed as fountains or fountain jets, and assessed accordingly.

WATERING TROUGHS.

35. Public watering troughs shall be of a capacity not less than twenty (20) cubic feet, and supplied through a disc, to be set and owned by the Commissioners of Water Works.

36. The supply to public watering troughs will only be allowed from 5 a. m. to 9 p. m. of each day, except from the 1st of December to the 1st of April, when a steady flow may be permitted

INSIDE PLUMBING.

37. Pipes and fixtures must be placed and arranged in such a manner as will secure them against frost. Whenever it may become necessary to carry pipes along outer walls, beneath floors, through open spaces, or places where they may be affected by drafts of air, they must be thoroughly boxed and packed, or otherwise protected against cold.

38. All pipes must be free from jogs or sags that will obstruct the drainage; be securely fastened to their places, and so pitched that when the stop is turned off all water will flow toward the waste, as provided in Rule 19.

BLOCKS AND ROWS OF TENEMENTS.

39. Premises intended to be occupied by more than one establishment, firm or family, must be provided with an independent stop and waste conveniently located, for each office, store, shop, floor, apartment, or set of apartments into which the water is introduced, so that any portion of the same which may be separately occupied, can be drained without interfering with the supply of the other occupants.

USE IN LARGE QUANTITIES.

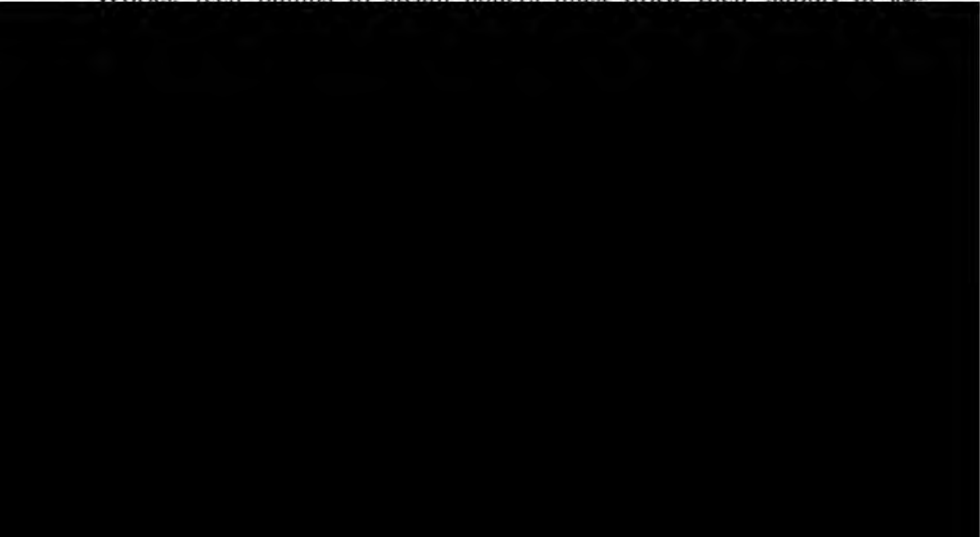
40. The plumbing of manufactories, business blocks, public buildings and other places where large quantities of water may be used, shall be so done that the supply for all purposes may be metered at least expense to the Commissioners of Water Works. To this end a union joint and suitable section of pipe shall be inserted when the service pipe is laid, at a point adjacent to the stop and waste.

41. Except in case of fire, no large current of water will be permitted to flow at intervals, causing irregularity of pressure. The use of fixtures which may create water hammers are prohibited.

42. All devices intended to use city water as a motive power, must be provided with an approved meter or counter, by and at the expense of the consumer, which shall be attached before the machine is set in operation.

TANKS FOR FEED PUMPS.

43. Unless otherwise arranged with the Commissioners of Water Works, feed pumps to steam boilers must draw their supply of water



poses, will be allowed, except by special permit, and by paying extra for the same.

OBSTRUCTED PIPES.

47. Whenever complaint is made by any water taker that his supply pipe is obstructed by frost or otherwise, he shall be notified that a licensed plumber must make a thorough examination of his private pipes before anything will be done in the case by the Commissioners of Water Works. After such service by a plumber, if the water taker shall insist that the fault is with the pipe or pipes of the Commissioners of Water Works, prompt attention will be given to the matter; *provided*, an agreement is first made that the complaining party shall pay all expense in case the trouble is found to have originated upon his own premises, or between his premises and the curb. Should the fault prove to be with the pipes of the Commissioners of Water Works no charge shall be made against the water taker, and he shall be refunded the amount of the plumber's bill for the preliminary examination; *provided* the same is reasonable, of which the Commissioners of Water Works shall be the sole judges.

STREET SPRINKLING WITH WAGONS.

48. Persons intending to sprinkle the streets with wagons must arrange for the same in advance.

SPECIAL USES.

49. No person shall use city water for flushing sewers, settling earth in ditches, or purposes of like nature, without a permit from the Commissioners of Water Works and paying for the same in advance.

EXTENSIONS OF MAIN AND DISTRIBUTING PIPE.

50. Extensions of distributing pipe (except as hereinafter noted) shall only be made after petition by the real estate owners along the line proposed, or their authorized agents, and upon their entering into an agreement which shall assure an annual revenue to the Commissioners of Water Works equal to seven (7) per cent of the cost of laying the pipe, dating from the time the water is turned into the same for the public use. For extensions of mains outside the city limits, the assured annual revenue must not be less than (12½) twelve and one-half per cent of the estimated cost of laying the pipe.

51. The above rules shall not apply in cases where it may become necessary to supply short gaps in distributing pipe, in order to perfect the circulation, or to increase the size of pipe already down, which shall be done as the Commissioners of Water Works may direct. The extension of pipe of twelve (12) inches and over shall be made at the option of the Commissioners of Water Works.

52. Except in cases of emergency, all main or distributing pipe, before acceptance, shall be subject to a hammer test under a hydrostatic pressure of three hundred (300) pounds to the square inch.

53. The sums severally paid each year under agreements for the extension of distributing pipe, shall be applied on the annual water rents that may be assessed against the premises of the respective subscribers thereto, abutting on the proposed line; but no abatement in such payments shall ensue by reason of any excess over said annual rents, or because the parties in interest do not use the city water on the premises described, until the sum total of rents paid each year by regular water takers along the line of said extension, shall equal the aggregate amount subscribed.

WATER DEPARTMENT RULES.

CREDITS ON ACCOUNT OF EXTENSION.

54. In calculating the amount of revenue required for laying down new distributing mains, a credit shall be allowed for the rents already collected from water takers on the proposed line.

ASSESSMENTS.

55. Water rents shall be assessed against the owners of the premises where the water is taken, and remain a charge or lien upon the property until paid. (a)

56. Every lot or building that has the city water introduced into any part of the same shall be subject to the regular rates of water rent for all dwellings, stores, shops, offices, barns, halls, sleeping rooms, or rooms occupied for any other purpose the same as though the water was furnished to or in each apartment occupied.

57. Water fixtures will be assessed for each and every purpose available, and for each family or establishment within the enclosure or separated only by a door, gateway or other means of easy communication.

58. Each fixture will be subject to assessment until a licensed plumber has reported to the Commissioners of Water Works that it has been capped, disconnected or detached, as required by the rules, so as to prevent the use of city water.


59. No neglect of a plumber to report fixtures, and no mistake or oversight in assessment shall relieve any person from paying the rates to which the premises may have been liable for the entire period during which the water has been used.

CLAIMS FOR ABATEMENT.

60. No abatement of charges shall be allowed for vacancy of premises except from the date that notice has been given at the office of the Commissioners of Water Works that they are unoccupied.

WATER FOR FIRE PROTECTION.

61. Whenever water is used on any metered premises for fire protection, in an actual case of conflagration, no charge will be made for the same, and the amount so used shall be ascertained by comparison



consists in removing and replacing the seals of the Commissioners of Water Works used on the fire apparatus, and note the time required for his presence.

Third. Rates for testing are as follows: Thirty (30) minutes or less, \$3.00; one (1) hour or less, but more than thirty (30) minutes, \$5.00.

Fourth. Seals must not be removed except in case of fire, written notice of which is to be given at the office of the Commissioners of Water Works within twenty-four (24) hours of its occurrence.

Fifth. For each and every violation of the above, the offending party will be subject to a fine of not less than five (\$5) dollars nor more than fifty (\$50) dollars.

ACTS PROHIBITED.

63. The following acts are prohibited:

To use the city water or permit it to be used for any other purpose than that for which the party pays water rates.

To permit water pipes or fixtures to remain in a leaky condition.

To allow water fixtures to run when not in use for the purpose intended.

To open, close, turn or interfere with, or to attach to, or connect with any fire hydrant, stop valve or stop cock belonging to the Commissioners of Water Works.

To disturb or damage any pipe, machinery, tools or other property of the Commissioners of Water Works.

To throw any substance into the reservoir or any deleterious matter into the bay within two thousand (2,000) feet of the inlet pipes to the pumping works.

To bathe in the bay within two thousand (2,000) feet of the inlet pipes to the pumping works.

To deface or injure any buildings or other improvements of the Commissioners of Water Works.

To place any foreign thing upon the grounds, cribs or piers of the Commissioners of Water Works, or such portion of Front Street as may be under their control.

To disturb or injure any lawn, grass plot, flowers, vines, bushes or trees belonging to the Commissioners of Water Works.

To go upon the inlet cribs (submerged or otherwise) of the pumping works, or anchor a boat or do any fishing within two hundred (200) feet of the same.

PENALTIES.

64. For each and every violation of the rules and regulations of the Commissioners of Water Works, the offending party will be subject to a fine of not less than five nor more than fifty dollars, for the benefit of the Commissioners of Water Works.

65. When the offense is one that relates to plumbing, water rents, leakage, or other illegal use of water, the Commissioners of Water Works may stop the supply of water to the offender and forfeit all payments that have been made for the same. When the water has been turned off for violation of the rules, the Commissioners of Water Works may withhold it until all dues and penalties are paid and the further sum of one dollar.

THE POLICE.

66. It shall be the duty of the police of the City of Erie to give vigilant aid to the Commissioners of Water Works in the enforcement of their rules and regulations, and to this end they shall report all violations

thereof which come to their knowledge to the office of the Commissioners of Water Works.

CONTRACT WORK.

67. Unless otherwise ordered, all specifications for contract work shall contain a clause requiring each bidder to furnish with his proposal a bond, satisfactory to the Commissioners of Water Works, in one-half the sum of the bid, conditioned that if awarded the contract he will execute the same in accordance with the specified terms.

68. Before entering into a contract to do work or furnish material for the Commissioners of Water Works, the successful bidder (unless it is otherwise ordered by the Commissioners of Water Works) shall furnish an approved bond with two sureties, residing in the City or County of Erie, State of Pennsylvania, in a sum not less than the price bid, conditioned for the faithful performance of the contract.

69. All specifications shall state that the Commissioners of Water Works will award the contract provided any one of the proposals received is satisfactory to them.


RESERVED RIGHTS.

70. The officers of the Commissioners of Water Works have the right at all hours to enter upon or into any premises where city water is taken, for the purpose of inspecting pipes and fixtures, setting, reading and repairing meters, turning water off and on and enforcing the rules generally. Each and every denial of this right will render the offending party liable to the penalties prescribed for violation of the rules.

71. The Commissioners of Water Works may limit or stop the supply of water in cases of emergency, and shut it off for repairs or extensions, they being the judges of the time and necessity. Neither the Commissioners of Water Works, nor the City of Erie shall be liable in damages for any insufficient supply of city water.

AMENDMENTS, ETC.

72. All rules and regulations inconsistent herewith are repealed. The above rules and regulations are subject to addition, revision and amend-



water may be turned off from the premises, subject to the same conditions as above.

ASSESSED RATES.

74. The charges for the uses and fixtures specified shall be as follows, all being annual except as otherwise indicated:

Air pump	\$ 3.00
Bath tub, private (one family), first tub	3.00
Bath tub, private (one family), each additional tub	1.50
Bath tub, public, each tub	5.00
Bakery, per barrel of flour used (but no charge less than \$5) ...	.01
Barber shop, first chair, including hand basin	4.00
Barber shop, each additional chair, including hand basin	2.00
Billiard tables, each	1.00
Blacksmith fire, first fire	5.00
Blacksmith fire, each additional fire	2.50
Boarding house (in addition to family rates), per room	1.00
Building purposes, per bushel lime; to be paid before work is begun (see Rule 23) .....	.02
Butcher stalls	\$3.00 to 15.00
Charitable institutions, one-third annual rates	
Cow .....	.75
Condensing boiler for steam heating (per season of six months), per horse power .....	.25
Eating houses	\$5.00 to 25.00
Family	(a) 4.00
Fire protection fixtures, testing same—thirty (30) minutes or less.	3.00
Fire protection fixtures, testing same—one (1) hour or less, but more than thirty (30) minutes (see Rule 62)	5.00
Flushing sewers, settling earth in ditches or purposes of a like nature, per hour or a fractional part of an hour, each (see Rule 49)	\$ 5.00
Hand basins in dwellings, hotels and schools, first basin	1.00
Hand basins in dwellings, hotels and schools, each additional basin .....	.50
Hand basins in offices, stores and blocks, each	1.00
Hotels (in addition to family rates), per room	1.00
Laundry, shop	5.00
Laundry, wash tub, stationary, each	2.00
Laundry, revolving washer, each	5.00
Livery stable, per horse	2.00
Offices	\$3.00 to 10.00
Private stable, one or two horses	2.00
Private stable, each additional horse over two	1.00
Printing offices	\$5.00 to 30.00
Public halls	\$5.00 to 25.00
Saloons	\$5.00 to 25.00
Schools, per pupil (in addition to fixtures) .....	.10
Slaughter houses	\$5.00 to 50.00
Sleeping rooms, each	1.00
Sprinkling streets or lawns with hose, per season:	
Corner lot, 41 feet front or less	5.00
Inside lot, 41 feet front or less	3.00
For each additional foot front to either corner or inside lot.	.05

See Rules 28 to 34 inclusive for sprinkling with hose

(a) So amended Nov. 25, 1899, S. C. Journal W, page 410.

Steam engines, ten hours per day, each H. P.	2.50
Stores	\$3.00 to 15.00
Urinal, private, self-closing (one family)	2.00
Urinal, private, not self-closing (one family)	6.00
Urinal, public, self-closing	3.00
Urinal, public, not self-closing	10.00
Urinal, private or public, continuous flow	\$10.00 to 30.00
Wash tub, stationary, first tub (one family)	2.00
Wash tub, stationary, each additional tub (one family)	1.00
Water closet, pan or tank (one family), private	3.00
Water closet, pan or tank (one family), each additional water closet	1.50
Water closet, pan or tank, public, each	5.00
Water closet, hopper (one family), private, for each water closet.	6.00
Water closet, hopper, public, each water closet	10.00
Work shop, ordinary use	\$3.00 to 5.00

All other uses when not metered, to be assessed by the Commissioners of Water Works in the City of Erie.

The size of orifices and the kind of fixtures may be regulated by the Commissioners of Water Works.

Failure to comply with the rules and regulations governing plumbing shall subject the premises to twice the usual charge.

Parties who make a false report of business done may be charged double rates.

75. The rate for water furnished by meter measurement shall be as follows: Twenty (20) cents for each one thousand (1,000) gallons for the first twenty-five thousand (25,000) gallons, and four (4) cents for each one thousand (1,000) gallons consumed thereafter during each current quarter, provided, the minimum receipts from each meter shall be as follows:

$\frac{3}{4}$ inch or less	\$ 3.75
1 inch	4.50
$1\frac{1}{2}$ inch	6.25
2 inch	10.00
3 inch	18.75

On the 15th day of said month, water may be turned off from the property whose meter account is unpaid, and will not be again turned on until all arrearages and penalties are paid, and the further sum of one (\$1.00) dollar.

No meter shall be set, reset, removed, uncovered or disturbed in any way, by any person, for any purpose whatever, without the written consent of the Commissioners.

76. Parties living outside the city limits, using city water, must pay for the same 25 per centum more than the assessed or metered rates, as stated in Rules 74 and 75. (a)

PLUMBERS AND PLUMBING.

77. Every party applying for license as a plumber must reside in the City of Erie and be of the age of 21 years. At the time of application he must furnish the Commissioners of Water Works with satisfactory evidence of his skill and ability to perform the work of a plumber.

78. Before receiving a license, the party applying therefor shall file a bond, with satisfactory security, in accordance with the forms prescribed by the Commissioners of Water Works.

79. Every plumber on receiving his license, shall have recorded his place of business and the name under which it is to be transacted. He shall immediately notify the Commissioners of Water Works of every change of either thereafter. Removal of residence from the city or change of firm shall act as a forfeiture of the license.

80. Every plumber is required to make immediate return to the Commissioners of Water Works of all work done by him calculated in any wise to effect a change in the water rate on the premises where said work has been executed, with the date when and the name of the party for whom it was done. He shall also report all plumbing or use of the water that is contrary to the rules, which may come to his notice.

81. No plumber shall allow his name to be used by any other person or party for the purpose of doing work under his license.

82. All plumbing must be done in a thorough and workmanlike manner both in regard to materials and labor, and will be required to conform strictly to the rules of the Commissioners of Water Works.

83. No plumber will be permitted to turn water into any service pipe (aside from the purpose of testing his work, when it must be immediately turned off again) except on an order from the Commissioners of Water Works.

84. No plumber shall put a hopper water-closet into any building without first notifying the party interested of the charge to which it will be subject.

85. Plumbers who violate any of these rules, etc., will be deprived of their licenses.

INSTRUCTIONS TO PLUMBERS.

86. All plumbing for blocks and manufacturing establishments shall be done in such a manner as to enable the water to be measured by a single meter of the least size that will furnish an adequate supply.

87. Plumbers are required to make a weekly report to the Commissioners of Water Works during the winter months, of all frozen water pipes and fixtures that have required their attention or been brought to

their notice, with the cause or causes, as nearly as they can ascertain the same. The reports to be made by Saturday noon of each week.

88. In extending pipe from old work, the rules must be observed the same as in new.

89. Application to do work, which, when done, will not be in accordance with the rules, should be declined.

90. To extend pipe from a house or lot that has water, to another house or lot, without the owner having first obtained permission from the Commissioners of Water Works, and without stops being so placed at the curb line that either premises can be shut off without closing off the other, is prohibited.

91. If old fixtures are removed, and new substituted, the fact should be so stated in your reports.

92. To cut off the supply pipe from a water-closet, bath tub, wash tub, hand basin, urinal or fixtures having a waste of any kind, or cover them up in any manner or by any device, does not take off the charge. The waste must be removed or rendered useless.

93. In making report of work done, blanks furnished by the Commissioners of Water Works for that purpose must be used, and filled out as directed by them.

94. Rule 42, relative to water motors, must be adhered to, and parties asking to have connections made for the purpose of running them with city water, should be so informed.

95. Your workmen should each be furnished with a copy of the rules of the Commissioners of Water Works, and instructed that in doing work every requirement of these rules must be complied with, and that no work will be accepted unless it will pass inspection.

Weeds, Bushes and Refuse

1. Weeds, bushes or refuse on streets prohibited; responsibility.

3. Removal; collection of expense.
4. Enforcement.

2. Any person who shall violate any of the provisions of this ordinance shall forfeit and pay to the City of Erie a fine of \$5.00 for each offense, to be collected as fines of like amount are by law collected. Nov. 15, 1905.
Id. § 2.
Penalty.

3. In addition to the penalty aforesaid, it shall be the duty of the Superintendent of Streets to cause any and all of such weeds, bushes and refuse to be removed at the expense of the said owner, tenant, agent or occupant as the case may be, provided five days' notice has been given to said owner, tenant, agent or occupant to remove the same. A bill of the cost of doing such work shall be rendered by the said Superintendent of Streets to the proper person in each instance and shall be collected by said Superintendent, who may, after failing in the collection of the same, request the aid of the City Solicitor in compelling payment. (a) Id. § 3.
Removal;
collection of
expense.

4. It shall be the duty of the Superintendent of Streets to enforce the provisions of this ordinance. Id. § 4.
Enforce-
ment.

(a) Ordinance 1934, approved Jan. 2, 1902, I 83, provides that "the amount of the expense of the work shall be certified by the Superintendent of Streets to the City Controller and City Solicitor; and if the amount be not paid within ten days from date of demand it shall be the duty of the City Solicitor to file a

lien against the property in front of which the work was done for the amount of the claim with five per cent penalty added thereto."

Ordinance 1934, repeals the ordinance on this subject, approved Sept. 12, 1878, A 508.

Wide Tires for Wagons

- | | |
|--|---|
| <p>1. Width of tires.
2. For vehicle and load weighing 3,000 lbs.
3. 3,000 to 5,000 lbs. three inches.</p> | <p>4. 5,000 to 8,000 lbs. four inches.
5. Over 8,000 lbs. six inches; different treads for front and hind wheels.
6. Penalty.</p> |
|--|---|

1. That from and after the first day of July, A. D., 1899, the widths of tires of all draft vehicles used on the streets of the City of Erie, Pennsylvania, by any person or persons residing in the said city, shall be as follows: Ord. 1442,
Dec. 2, 1897.
§ 1. H. 112.

2. The width of tires on wheels of all vehicles weighing with load not over 3,000 lbs. shall remain as they now are, or changed to suit the pleasure of the owner. Width of
tires.
Id. § 2.
For vehicle
and load
weighing
3,000 lbs.
Id. § 3.

3. All vehicles weighing with load of between 3,000 and 5,000 lbs. the width of tires shall be three inches.

4. All vehicles weighing with load between 5,000 and 8,000 lbs. the width of tires shall be four inches. 3,000 to 5,000
lbs. three
inches.
Id. § 4.

5. All vehicles weighing with load of over 8,000 lbs. the width of tires shall be six inches; and for all such vehicles having six inch tires, the outside tread of the front wheels shall be the inside tread of the hind wheels. 5,000 to 8,000
lbs. four
inches.
Id. § 5.

6. Any such person or persons owning, driving, maintaining or operating any such wagon upon the streets of the City of Erie, and not complying with the provisions of this ordinance shall forfeit and pay to the City of Erie a sum of not less than twenty-five, nor more than fifty dollars for each offense, and in default thereof, shall be imprisoned in the County Jail or City Prison for a period of not less than five, nor more than ten days. Over 8,000
lbs., six in-
ches; differ-
ent treads
for front
and hind
wheels.
Id. § 6.
Penalty.

Miscellaneous

FIREMEN'S VACATIONS.—By resolution approved May 18, 1901, S. C. Journal Y, page 35, the Board of Fire Commissioners are "authorized to allow the firemen three days off per month instead of two as heretofore in conformity with provision made therefor in the annual appropriations."

DISEASED FRUIT TREES.—The Acts of May 26, 1891, P. L. 124; June 18, 1897, P. L. 172, and April 28, 1899, P. L. 92, provide the procedure to be observed in case of disease in fruit trees, viz.: Yellows, black knot, peach rosette and pear blight, on peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, and San Jose scale on vine, plant, shrub or fruit trees.

Under the law, when any such disease is known to exist in the city, it becomes the duty of Councils to appoint three Commissioners to eradicate the disease and take precautions against its spreading; the City Clerk to be *ex-officio* Clerk of such Board.

An Act Relating to Unused Streets, Lanes and Alleys.

Sec. 1. *Be it enacted, etc.*

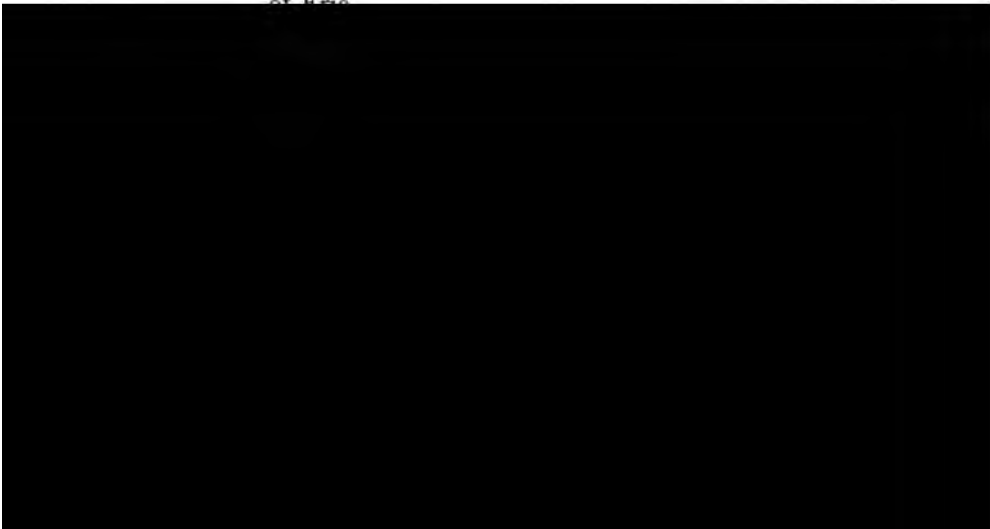
That any street, lane or alley, laid out by any person or persons in any village or town plot or plan of lots, on lands owned by such person or persons, in case the same has not been opened to, or used by, the public for twenty-one years next after the laying out of the same, shall be and have no force and effect and shall not be opened, without the consent of the owner or owners of the land on which the same has been, or shall be laid out.—Approved May 9, 1889. P. L. 173.

PLAN OF STREETS.

In pursuance to the Act of May 16, 1891.

Resolved, by the Select and Common Councils, of the City

of Erie



FIRST WARD.

I. A street from the Lake Road, southwardly to Atkins Street, on the west line of the Hess sub-division, at a uniform width of fifty feet, the east line thereof to be 270 feet west of and parallel with the west line of Hess Avenue. This street is so located that it will not interfere with any buildings.

II. A street from Atkins Street, southwardly to Tenth Street, on the west line of the Hess Sub-division, at a uniform width of fifty feet, the east line thereof to be 249.5 feet west of and parallel with the west line of Hess Avenue. This street is so located that it will not interfere with any buildings.

III. Extension of McCarter Avenue, from Pennsylvania Avenue, east to the Hess Sub-division, at a uniform width of fifty feet, the south line thereof to be an extension of the south line of McCarter Avenue, west of Pennsylvania Avenue.

IV. Seventh Street, from Pennsylvania Avenue, eastwardly to the Hess Sub-division, at a uniform width of fifty feet, the center line thereof to be 37 feet north of and parallel with the center line of Seventh Street, extended east from East Avenue.

V. Extension of Fleming Avenue, from Pennsylvania Avenue, east to the city limits, at a uniform width of sixty feet, the center line thereof to be 306 feet north of and parallel with the center line of the Lake Road.

VI. Extension of Fourth Street, from Pennsylvania Avenue, east to the city limits, at a uniform width of sixty feet, the center line thereof to be 607 feet north of and parallel with the center line of Lake Road.

VII. Extension of Third Street, from Pennsylvania Avenue, eastwardly to the city limits, at a uniform width of sixty feet, the center line thereof to be 908 feet north of and parallel with the center line of Lake Road.

VIII. Extension of Second Street, from Pennsylvania Avenue, eastwardly to the city limits at a uniform width of sixty feet, the center line thereof to be 1209 feet north of and parallel with the center line of Lake Road.

IX. First Street, from Pennsylvania Avenue, extended north, eastwardly to the city limits, at a uniform width of fifty feet, the center line thereof to be 1579 feet north of and parallel with the center line of Lake Road.

X. Pennsylvania Avenue, extended northwardly from Second Street, to Lake Erie, at a uniform width of sixty feet, the center line thereof to be 648.36 feet east of and parallel with the center line of East Avenue, as defined by landmark stones at the various street intersections.

XI. Dunn Street, from Lake Road northwardly to the United States Light House property, a distance of 1579 feet, at a uniform width of fifty feet, the center line thereof to be on the line dividing the Dunn and Spencer property, which line is 505.29 feet east of and parallel with the center line of Pennsylvania Avenue.

XII. Sanford Street, from Lake Road northwardly to Lake Erie, at a uniform width of thirty feet, the east line of the street to be the tract line which forms the eastern boundary of the city.

XIII. Extension of Queen Street, from East Avenue to Pennsylvania Avenue, at a uniform width of forty feet, the center line thereof to be 1459.82 feet north of and parallel with the center line of Lake Road.

XIV. First Street, from East Avenue, eastwardly to Pennsylvania Avenue, a distance of 560 feet, at a uniform width of sixty feet, the center line thereof to be 1770.25 feet north of and parallel with the center of Lake Road.

XV. A street to be known as Third Street, from Wayne Street, eastwardly to East Avenue, at a uniform width of fifty feet, the south line thereof to be the north line of Out Lots Nos. 551 and 558.

XVI. First Street, from Wayne Street, eastwardly to East Avenue, at a uniform width of fifty feet, the south line thereof to be the north line of Out Lot Nos. 553 and 556.

XVII. Extension of Newman Street, from the north line of Out Lot 558, northwardly to the north line of Out Lot 556, at a uniform width of fifty feet.

XVIII. Extension of Wilson Street, from the north line of Out Lot 558 to the north line of Out Lot 556, at a uniform width of fifty feet.

XIX. Extension of Reed Street, from Sixth Street, northwardly to Third Street, at a uniform width of sixty feet, the center line thereof to be the line between Out Lots 559, 562, 563 and Lots 560, 561 576.

XX. Perry Street, from Eighth Street, northwardly to Fifth Street, at a uniform width of fifty feet, the center line thereof to be the original Out Lot lines between Out Lots 543, 546, 547 and 544, 545 548.

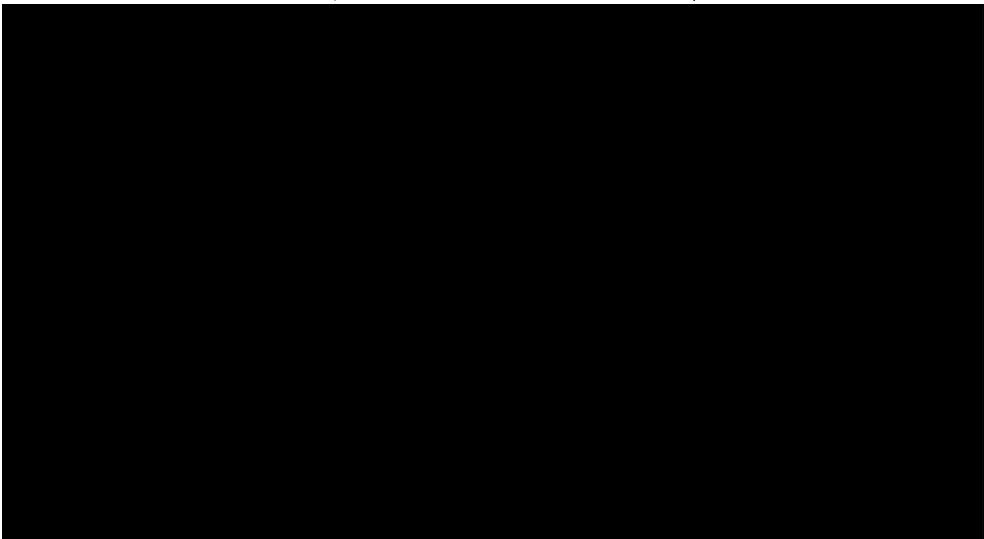
The City Engineer also recommended that Atkins Street, be changed to sixth Street; that Elliot Street, in the Hess Sub-division be changed to Seventh Street and that Seventh Street in the Hess Sub-division be changed to McCarter Avenue.

SECOND WARD.

I. Nagle Street, from Pennsylvania Avenue, eastwardly to the city limits, at a uniform width of sixty feet; the center line of said street, to be 643.09 feet south of and parallel with the center line of Tenth Street.

II. Brandes Street, from Tenth Street, to Twelfth Street, at a uniform width of fifty feet, the center line of said street to be 304.5 feet west of the center of Hess Avenue, on the center line of Tenth Street and 310 feet west of the center of Hess Avenue, on the center line of Twelfth Street.

III. Fulton Street, from Prospect Street, south to Nagle Street, a distance of 374 feet, at a uniform width of 46 feet, the center line of said



FIFTH WARD.

I. French Street, from Twenty-sixth Street, south to the city limits, at a uniform width of sixty feet.

II. Ingersoll Street, from Twenty-sixth Street, south to the city limits, at a uniform width of fifty feet, the center line thereof to be 360 feet west of and parallel with the center line of Holland Street.

III. Gingrich Street, from Twenty-ninth Street, south to the city limits, at a uniform width of 60 feet, the center line thereof to be 720 feet west of and parallel with the center line of French Street extended.

IV. Shenk Street, from Twenty-eighth Street, southeastwardly to Ash Street, at a uniform width of fifty feet, the center line thereof to be 355 feet northeast of and parallel with the center line of Pine Avenue, from Twenty-eighth Street, southeastwardly to the first angle, and thence southeastwardly parallel with and 345 feet northeast of the center line of Pine Avenue to the intersection of the center line of Thirty-second Street extended.

V. Ash Street, extended from Twenty-eighth Street, southwardly to the city limits, at a uniform width of sixty feet.

VI. Reed Street extended from Twenty-sixth Street, southwardly to the city limits, at a uniform width of sixty feet.

VII. Wayne Street, extended from Twenty-sixth Street, southwardly to the city limits, at a uniform width of 50 feet, the east and west lines thereof to be a continuation of the east and west lines of Wayne Street, from Twenty-sixth Street, north.

VIII. Perry Street, extended from Twenty-third Street, southwardly to the city limits, at a uniform width of sixty feet, the center line thereof to be a prolongation of the line dividing Out Lots Nos. 1 and 4.

IX. Pennsylvania Avenue extended from Twenty-eighth Street, southwardly to the city limits, at a uniform width of sixty feet.

X. Twenty-eighth Street, extended from Holland Street, westwardly to French Street, at a uniform width of sixty feet, the center line thereof to be 690 feet south of and parallel with the center line of Twenty-sixth Street.

XI. Twenty-ninth Street, extended from German Street, westwardly to State Street, also from Shenk Street, eastwardly to the city limits, at a uniform width of sixty feet, the center line of said street to be 1020 feet south of and parallel with the center line of Twenty-sixth Street.

XII. Thirtieth Street, extended from French Road, westwardly, to to Gingrich Street, at a uniform width of fifty feet, the center line thereof to be 1355 feet south of and parallel with the center line of Twenty-sixth Street.

XIII. Thirtieth Street, extended from Pine Avenue, northeasterly to Shenk Street, at a uniform width of fifty feet, the south line thereof to be the south line of the Johanna Scheloski property.

XIV. Thirtieth Street, from Shenk Street, eastwardly to the city limits, at a uniform width of sixty feet, the center line thereof to be 1350 feet south of and parallel with the center line of Twenty-sixth Street.

XV. Thirty-first Street, from French Road, westwardly to Gingrich Street, at a uniform width of sixty feet, the center line thereof to be 1680 feet south of and parallel with the center line of Twenty-sixth Street.

XVI. Thirty-first Street, from Pine Avenue, northeasterly to Shenk Street, at a uniform width of fifty feet, the north line thereof to be the north line of lane now open on the south side of the Jerome Heibel property.

XVII. Thirty-first Street, from French Road east to the line of Wallace Street, extended thence northeast to Pine Avenue, at a uniform width of fifty feet, the center line thereof to start off at French Road at right angles to the center line of said road, and on the line dividing the Gustave Weber and Edward Schultz property, and striking Wallace Street on the line dividing the Michael Balko and Albert Kitzer property.

XVIII. Thirty-first Street, from Ash Street, eastwardly to the city limits, at a uniform width of sixty feet, the center line thereof to be 1680 feet south of and parallel with the center line of Twenty-sixth Street.

XIX. Thirty-second Street, from French Road westwardly to the city limits, at a uniform width of fifty feet, the center line thereof to be 2046 feet south of and parallel with the center line of Twenty-sixth Street.

XX. Thirty-second Street from Ash Street, eastwardly to the city limits, at a uniform width of sixty feet, the center line thereof to be 2010 feet south of and parallel with the center line of Twenty-sixth Street.

Also that the ordinance for the opening of Wallace Street, approved September 23rd, 1870, be repealed so far as it applies to Wallace Street, between Twenty-eighth and Thirty-first Streets.

SIXTH WARD.

I. Twenty-first Street, from Cherry to Liberty Street, at a uniform width of 60 feet.

II. Twenty-second Street, from Poplar to Liberty Street, at a uniform width of 60 feet, through the center of Out Lot 100.

III. Twenty-fourth Street, from Liberty to Poplar Street, on the line between Out Lots Nos. 33 and 100, at a uniform width of 60 feet.

IV. Twenty-fifth Street, from Cherry to Poplar Street, at a uniform width of 50 feet, the south line of the Street to be on the line dividing Out Lots Nos. 31 and 32.

V. Twenty-seventh Street, from Plum Street, westwardly to the city limits, at a uniform width of 60 feet.

VI. Twenty-eighth Street, from Plum Street, westwardly to the city limits, at a uniform width of 60 feet.

VII. Twenty-ninth Street, from Hazel Street, westwardly to the city



XIV. A street 660 feet east of and parallel with the east line of Cherry Street, from the south line of the City Reservoir, southwardly to the city limits, at a uniform width of 60 feet. This street is on the line of Walnut Street if extended from the north, and is so named on the maps.

XV. A street 300 feet west of and parallel with the west line of Chestnut Street, from Twenty-sixth Street, southwardly to the city limits, at a uniform width of 60 feet. The last three streets mentioned above are shown open on the plot of the Cochran Sub-division, which was recorded many years ago.

XVI. A street extending east and west, immediately south of the Reservoir property, parallel with and 505 feet south of the south line of Twenty-sixth Street, at a uniform width of 60 feet.

XVII. Extension of Crommell Avenue, to Cherry Street, a distance of 332 feet, at a uniform width of 50 feet.

Adopted by the Select and Common Councils February 23, 1903.
Approved by the Mayor, February 26, 1903. Select Council Journal Z, pages 240 to 245 inclusive.

RULES OF THE SELECT AND COMMON COUNCILS OF THE CITY OF ERIE, PA.

Rules of the Select Council.

ADOPTED APRIL 2, 1906.

1. The President shall take the chair at the hour appointed for meeting, and call the members to order, and a quorum being present shall cause the minutes of the last meeting to be read, which may then be corrected by the Council; but the Council may, by motion, dispense with the reading of the minutes and adopt the same without reading.

2. The President shall preserve order and decorum in debate, prevent personal reflections, and confine members to the question pending; shall decide all questions of order, subject to an appeal by two members of the Council.

(For procedure on appeal, see Rule 37.)

3. He shall enforce the proper observance of the rules of the Council, and shall call any member to order transgressing the same; shall repeat all motions made and seconded—the same being in order—before other proceedings, and distinctly state the question pending before putting it to a vote of the Council.

4. He shall assign to the proper committees unapproved bills and all such matters as he may deem proper for the purpose of expediting business, without a motion for the purpose.

5. He shall appoint the members of the standing, Special and Select Committees, unless otherwise ordered by the Council; and shall have the power to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. Unless upon special invitation of the President, no person shall be admitted to the floor of the Council except the members, officers of the

Councils, the Mayor, heads of departments, and reporters of the press.

7. The President shall have the general direction of the Council chamber during the sessions.

8. If a quorum of members do not attend within half an hour from the time appointed for a meeting, the Council shall stand adjourned; provided, a less number than a quorum may adjourn to a particular time.

9. The order of business before the Select Council shall be as follows:

1st order—Reading the minutes of the last meeting.

2nd order—Consideration of bills and accounts against the city.

3d order—Ordinances in the order of their numbers.

4th order—Hearing petitions, remonstrances, communications, etc.

5th order—Hearing reports from Standing Committees.

6th order—Hearing reports from Select Committees.

7th order—Original resolutions.

8th order—Unfinished business on the table.


10. Each member in debate shall, standing in his place, address the presiding officer as "Mr. President;" and shall not proceed until recognized by the President. He shall then confine his remarks to the question pending.

11. Should two or more members arise at the same time, the President shall decide who is entitled to the floor.

12. No member shall be mentioned in the debate by his name, but may be described by the ward he represents, the place he occupies, or such other designation as may be intelligible and respectful.

13. When a question is under consideration, no motion shall be received except for adjournment, for the previous question, to lay on the table, for postponement, for amendment, or for reference. These questions shall have precedence in the order above stated, and the first three shall be decided without debate.

14. Every motion and resolution, which shall be seconded, shall be reduced to writing by the member offering the same, if requested by the President, and may be withdrawn before amendment, reference or decision, unless objection is made



22. On filling blanks, the question shall first be taken on the greatest sum, largest number and most distant day.

23. When the yeas and nays are called, the names of members shall be called in alphabetical order, except the President, who shall vote last, and all members shall vote, unless excused by the Council, and shall be entered on the minutes by the Clerk if required by any member. No member shall be permitted to change his vote after the result has been announced from the Chair.

24. Members shall vote on all questions unless excused by the President, after discussing the reason for not voting; provided, however, that no member shall vote on any measure in which he may have a personal interest.

25. All voting in open Council shall be by the voice.

26. Unless otherwise provided by law, ordinance or rule, all motions shall be decided by a majority vote of the members present.

27. No member shall be permitted to explain his vote verbally on any question on a call of the yeas and nays; but may submit his reasons in writing, which shall be placed on the minutes unless otherwise ordered by Council.

28. No member, except the permanent President, shall be permitted to vote, address the Chair, present a paper, or exercise his functions as a member of Council, unless he be at his own desk.

29. A motion to postpone indefinitely shall have the effect, if carried, to finally dispose of the question referred to, unless the Council, by a majority vote, at the next subsequent regular meeting, decide to consider the matter.

30. A motion to defer action, postpone action, or lay over, shall, if carried, be deemed as postponing action until next meeting (unless otherwise stated in the motion), when the subject shall again be taken up, in its order, for consideration.

31. The first member named on every Select Council Committee shall be Chairman thereof, unless the committee at its first meeting elects another as chairman.

The Chairman is empowered to call meetings of such committee, and to require the attendance of the members thereat.

32. No committee shall act by separate consultation, and no reports, except minority reports, shall be received, unless they shall have been agreed to in committee actually assembled, and no report shall be received recommending the expenditure of money, unless it shall contain a careful estimate of the amount required.

33. It shall be the duty of every committee to whom any subject shall be especially referred, unless otherwise ordered, to report thereon within four weeks, or ask for further time.

34. All reports from committees shall be in writing and signed by the members, or by the Chairman in behalf of the committee.

The papers referred shall be returned with the report.

Nothing in this rule shall be construed to prevent the introduction of minority reports, which may be presented in writing after the majority report is read, but cannot be presented before the majority report.

35. If during the session of a committee any member conducts himself in a disorderly manner, or in a manner unbecoming a representative of the people, the committee shall immediately make note of the offensive conduct, and report the same to Council at its next regular meeting, which shall thereupon take such action as it may deem proper, either to exonerate, censure or expel.

• 36. Council may resolve itself into a committee of the whole, when the President, having appointed a Chairman, shall leave the chair and shall possess the same privilege as any other member.

Such committee shall observe the rules and forms of proceedings used in Council so far as they are applicable, except that debate shall not be limited, nor shall the yeas and nays be called, the previous question ordered, or a motion to adjourn be entertained.

37. The President shall be the judge of order, and his decision shall be immediately submitted to, unless two members appeal to the Council.

When the President's decision is appealed from, the question shall be as follows: "Shall the appeal be sustained?" The President shall appoint a President *pro tem.* and vacate the Chair pending an appeal from his decision. He shall have the privilege of participating in the debate on appeal, and voting thereon.

On an appeal, no member shall speak more than once, nor for more than five minutes.

A tie vote on sustaining an appeal shall be decided in the negative, and shall have the effect of sustaining the President's decision.

38. When the previous question is moved and seconded, the question shall be as follows: "Shall the main question be now put?" If this be decided in the affirmative, its effect shall be to put an end to all debate on the subject pending and bring the Council to a direct vote.


The main question shall be immediately put and decided without debate or amendment; but when previous amendments to the main question are pending, the question shall first be taken upon such amendments, in their order, and without debate.

39. All incidental questions of order, arising after a motion is made for the previous question, during the pendency of such, or after the Council shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

40. When a call for the previous question is defeated, the main question shall be considered as still remaining under debate as originally.

41. A motion to reconsider shall not be entertained after the next regular meeting at which a quorum is present.

42. No second motion to reconsider the same subject shall be enter-



The member should endorse on the back of it, about half an inch from the top, the subject on which it treats, and at the bottom write his name and date of presentation.

For example—a member presents a petition for the paving of a street; he folds and endorses it:

No.....			
A petition for the paving of Chestnut Street.			
Presented by			
.....190.			

49. No smoking will be permitted in the Select Council chamber during a session of the Council, or any other meeting held therein, except by unanimous consent of the members present.

50. All claims against the city, intended for action at a Council meeting, must be presented to the Clerk not later than 3 p. m. on the day of said meeting.

51. This Council may adjourn to meet at any other time than the regular stated meeting.

52. A motion to adjourn shall always be in order except: 1st, when Council is in committee of the whole; 2d, pending an appeal from the President's decision; 3d, when a member is speaking in order; 4th, when the Council is voting; but a second motion to adjourn shall not be in order until after the intervention of some other motion.

53. The President shall appoint the following Standing Committees, each to consist of three members, to-wit:

- Committee on Finance.
- Committee on Streets, Bridges, Sidewalks and Grades.
- Committee on Gas, Public Grounds and Printing.
- Committee on Health, Water and Markets.
- Committee on Police, Docks, Harbor and Railroads.
- Committee on Conduits and Electrical Appliances.
- Committee on City Hall.

54. These rules shall not be suspended unless by a yote of two-thirds of the members present, but such suspension shall not extend beyond an adjournment; however, a Rule which is the subject of Legislative enactment, cannot be suspended.

55. No alteration or amendment of these Rules can be made without submitting the same in writing at least one month before such action, and after having been submitted to a special committee for consideration, and two-thirds of the members present voting in favor of such alteration.

56. These Rules shall also govern all the action and proceedings of committees of the Select Council, so far as applicable.

57. Questions not covered by these Rules shall be governed by Cushing's Manual.

58. All appointments requiring the confirmation of the Select Council shall be referred to the appropriate committees of said Council, respectively, or to special committees named for the purpose, and a reasonable time given before final action is taken on such appointments.

Rules of the Common Council.

ADOPTED APRIL 2, 1906.

1. The President shall take the chair at the hour appointed for meeting, and call the members to order, and a quorum being present shall cause the minutes of the last meeting to be read, which may then be corrected by the Council; but the Council may, by motion, dispense with the reading of the minutes and adopt the same without reading.

2. He shall preserve order and decorum in debate, prevent personal reflections, and confine members to the question pending; shall decide all questions of order, subject to an appeal by two members of the Council.

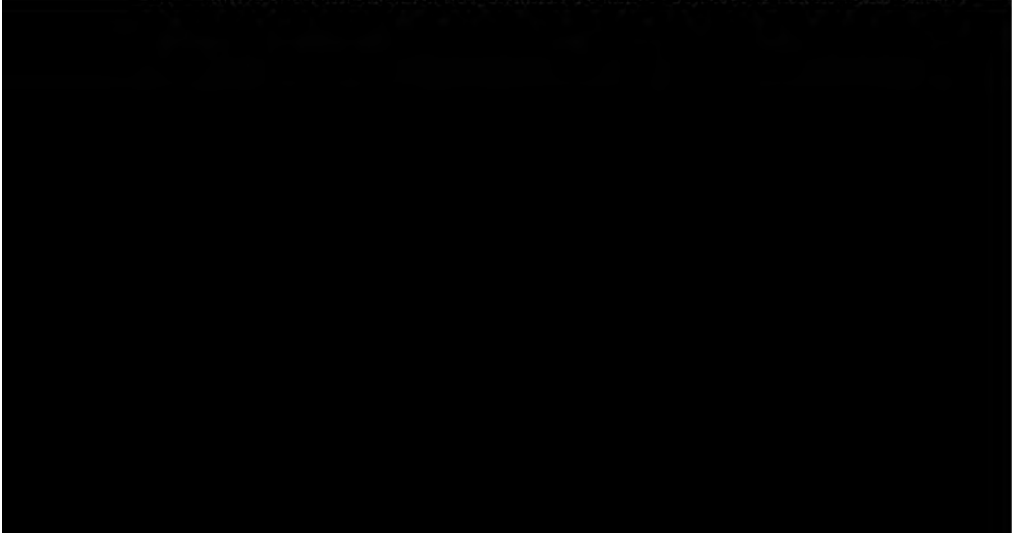
(For procedure on appeal, see Rule 37.)

3. He shall enforce the proper observance of the rules of the Council, and shall call any member to order transgressing the same; shall repeat all motions made and seconded—the same being in order—before other proceeding, and distinctly state the question pending before putting it to a vote of the Council.

4. He shall assign to the proper committees such matters as he may deem proper for the purpose of expediting business without a motion for the purpose.

5. The President shall appoint the members of the Standing and Special Committees, unless otherwise ordered by the Council; and shall have the power to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. Unless upon special invitation of the President, no person shall be



nized by the President, and shall then confine his remarks to the question pending.

11. Should two or more members arise at the same time, the President shall decide who is entitled to the floor.

12. No member shall be mentioned in the debate by his name, but may be described by the name of the ward he represents, the place he occupies, or such other designation as may be intelligible and respectful.

13. When a question is under consideration, no motion shall be received, except for adjournment, for the previous question, to lay on the table, for postponement, for amendment, or for reference. These questions shall have precedence in the order above stated, and the first three shall be decided without debate.

14. Every motion and resolution, which shall be seconded, shall be reduced to writing by the member offering the same, if requested by the President, and may be withdrawn before amendment, reference or decision, unless objection is made.

15. More than two amendments to any motion shall not be in order at the same time.

16. No member shall be allowed to speak more than once on any subject at the same meeting, without permission from the Chair, and not more than twice without the unanimous consent of the Council.

17. All speeches, after the first one made by any member on a particular subject, shall be limited to five minutes each. A member shall not be interrupted while speaking, except by a call to order by the President, or by a member to explain, or by a call for the previous question.

18. No person who is not a member shall be allowed to address the Council unless by a majority vote of the members present.

19. Bills for the payment of money, certified as correct by the heads of departments, shall be presented to Council for action.

20. Bills for the payment of money shall not be ordered paid unless duly certified by the committee or officers contracting the debt or superintending the work done.

21. Any member may call for the division of the question, which shall be divided if it comprehends questions so distinct that the one being taken away the rest may stand for the decision of the Council; but a motion to strike out and insert shall be deemed indivisible.

22. On filling blanks, the question shall first be taken on the greatest sum, largest number and most distant day.

23. When the yeas and nays are called, the names of members shall be called in alphabetical order, except the President, who shall vote last, and all members shall vote unless excused by the Council, and shall be entered on the minutes by the Clerk if required by any member, after the result has been announced from the Chair.

24. Members shall vote on all questions unless excused by the President, after disclosing the reason for not voting; provided, however, that no member shall vote on any question or measure in which he may have a personal interest.

25. All voting in open Council shall be by voice.

26. Unless otherwise provided by law, ordinance or rule, all motions shall be decided by a majority vote of the members present.

27. No member shall be permitted to explain his vote verbally on any question on a call of the yeas and nays; but may submit his reasons in writing, which shall be placed on the minutes unless otherwise ordered.

28. No member shall be permitted to vote, address the Chair, pre-

sent a paper, or exercise his functions as a member of Council, unless he be at his own desk.

29. A motion to postpone indefinitely shall have the effect, if carried, to finally dispose of the question referred to, unless the Council, by a majority vote, at the next subsequent regular meeting, decide to consider the matter.

30. A motion to defer action, postpone action, or lay over, shall, if carried, be deemed as postponing action until next regular meeting (unless otherwise stated in the motion), when the subject shall again be taken up, in its order, for consideration.

31. The first member named on every Common Council Committee shall be Chairman thereof, unless the committee at its first meeting elects another as chairman.

The Chairman is empowered to call meetings of such committee, and to require the attendance of the members thereof.

32. No committee shall act by separate consultation, and no reports, except minority reports, shall be received, unless they shall have been agreed to in committee actually assembled, and no report shall be received recommending the expenditure of money, unless it shall contain a careful estimate of the amount required.

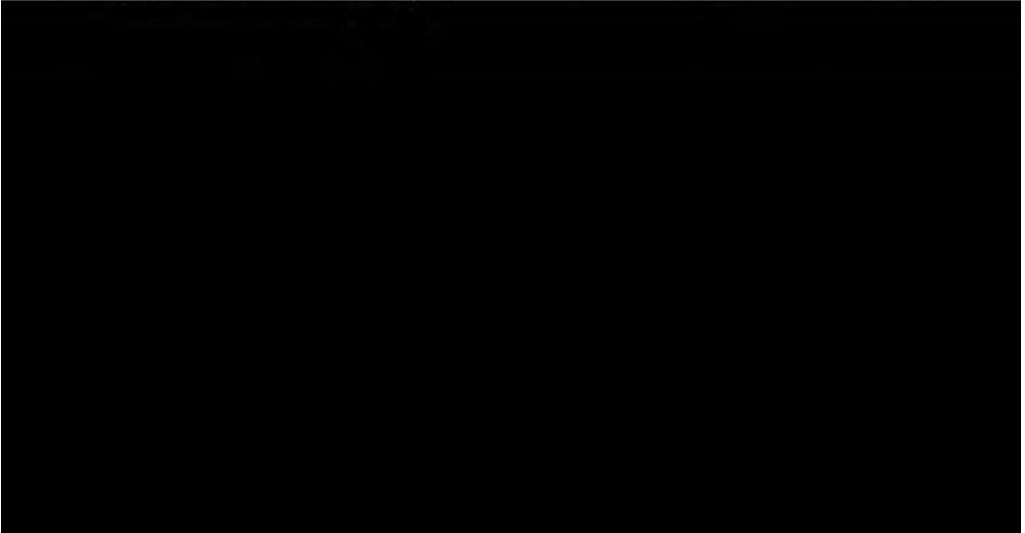
33. It shall be the duty of every committee to whom any subject shall be especially referred, unless otherwise ordered, to report thereon within four weeks, or ask for further time.

34. All reports from committees shall be in writing and signed by the members, or by the Chairman in behalf of the committee.

The papers referred shall be returned with the report.

Nothing in this rule shall be construed to prevent the introduction of minority reports, which may be presented in writing after the majority report is read, but cannot be presented before the majority report.

35. If during the session of a committee any member conducts himself in a disorderly manner, or in a manner unbecoming a representative of the people, the committee shall immediately make note of the offensive conduct and report the same to Council at its next regular meeting, which shall thereupon take such action as it may deem proper, either to exonerate, censure or expel.



38. When the previous question is moved and seconded, the question shall be as follows: "Shall the main question be now put?" If this be decided in the affirmative, its effect shall be to put an end to all debate on the subject pending and bring the Council to a direct vote.

The main question shall be immediately put and decided without debate or amendment; put when previous amendments to the main question are pending, the question shall first be taken upon such amendments, in their order, and without debate.

39. When a call for the previous question is defeated, the main question shall be considered as still remaining under debate as originally.

40. A motion to reconsider shall not be entertained after the next regular meeting at which said motion could be entertained.

41. No second motion to reconsider the same subject shall be entertained.

42. A motion to reconsider must be made and seconded by members who voted in the prevailing side.

43. A motion to reconsider shall not be entertained at a special meeting, if a less number of members are present than was present when the action proposed to be reconsidered was taken.

44. It shall not be in order to reconsider any, bill, resolution, ordinance, report, amendment, motion or other matter after it has been sent to Select Council, or after it has passed out of possession of the Common Council.

45. The power of appointment when exercised cannot be reconsidered.

46. All petitions, reports, resolutions, ordinances or other communications, of whatever nature, presented to the Council shall be either printed or written in a fair hand, and, when convenient, the paper used should be as large as fools-cap or legal paper.

47. When a paper is to be presented by a member, he should fold it evenly in two, three, or four folds, according to the size of the paper used. A sheet of letter paper folds in three—fools-cap or legal-cap in four.

The member should endorse on the back of it, about half an inch from the top, the subject on which it treats, and at the bottom write his name and date of presentation.

For example—A member presents a petition for the pavement of a street; he folds and endorses it:

		No.....	
		A petition for the Paving of Chestnut Street.	
		Presented by	
		
		.....190..	

48. No smoking will be permitted in the Council chamber during a session of the Council.

49. These Rules shall not be suspended unless by a vote of two-thirds of the members present, but such suspension shall not extend beyond an adjournment; however, a Rule which is the subject of legislative enactment, cannot be suspended.

50. No alteration or amendment of these Rules can be made without submitting the same in writing at least one month before such action, and after having been submitted to a special committee for consideration, and two-thirds of the members present voting in favor of such alteration.

51. The President shall appoint the following Standing Committees, each to consist of six members, except the City Hall Committee, which shall consist of three members.

Committee on Finance.

Committee on Streets, Bridges, Sidewalks and Grades.

Committee on Gas, Public Grounds and Printing.

Committee on Health, Water and Markets.

Committee on Police, Docks and Harbor and Railroads.

Committee on Conduits and Electrical Appliances.

Committee on City Hall.

52. Questions not covered by these Rules shall be governed by Cushing's Manual.

53. This Council may adjourn to meet at any other time than the regular stated meeting.

54. A motion to adjourn shall always be in order except: 1st, when Council is in committee of the whole; 2d, pending an appeal from the President's decision; 3d, when a member is speaking in order; 4th, when the Council is voting; but a second motion to adjourn shall not be in order until after the intervention of some other motion.

55. These Rules shall also govern all the action and proceedings of committees of the Common Council, so far as practicable.

Joint Rules of Councils.



If the yeas and nays are called at a session of a joint committee when an ordinance is under consideration, a majority of the members appointed on each separate committee constituting the joint committee, shall be necessary to the decision of any question.

6. If an ordinance be referred to a joint committee by either branch of Councils, such joint committee shall report the same back to the branch by which it was so referred, and when the ordinance has passed three readings in said branch, it shall be sent to the other branch of Councils, which may proceed to consider it, and finally pass the same without any further reference to a committee.

7. No ordinance shall be passed containing more than one subject, which shall be clearly expressed in its title.

8. Every ordinance shall be read at length in each branch; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the ordinance, and no ordinance shall be passed finally in either branch upon the same day on which it was introduced or reported.

On its final passage the vote shall be taken by yeas and nays, and the names of the persons voting for and against the same be entered on the journal; and no ordinance shall be passed finally unless a majority of the members elected to each branch be recorded thereon as voting in its favor. (Being four affirmative votes in the Select and seven in Common Council.)

9. No amendment to an ordinance by one branch of Councils shall be concurred in by the other branch, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against the same recorded upon the minutes thereof.

10. An ordinance may be passed three readings on the same day; provided, that no ordinance shall be passed finally in either branch of Councils upon the same day it was introduced or reported in said branch.

11. An ordinance must have passed three readings in one branch of Councils before being sent to the other branch. (a)

13. An ordinance or resolution once negatived at any stage, may be reconsidered in the usual way, but not later than the next regular meeting. If twice negatived, it shall be deemed as finally disposed of and cannot be reconsidered.

14. An ordinance or resolution which has been negatived, or one which is substantially the same as one which has been negatived, cannot be introduced in either branch during the same fiscal year in which the negative action was taken.

15. A vote by yeas and nays is required for each of the following purposes, viz:

On the final passage of an ordinance.

On the adoption of a report of a conference committee.

On concurrence with the other branch to an amendment to an ordinance.

On the passage of any measure over the Mayor's veto.

On the election or removal of any officer.

(a) Rule 12 was repealed by resolution approved March 25th, 1898 S. C. Journal V., page 197

16. When the Council shall be equally divided on any question, including the vote of the presiding officer, the question shall be deemed to be lost.

17. The President and Clerk shall authenticate, by their signatures, the final passage of ordinances.

Resolutions, and all other matters acted upon by Councils, or either branch thereof, may be authenticated by the signature of the Clerk or Clerks respectively.

18. All ordinances and concurrent resolutions, after their final passage by the Select and Common Councils, shall be presented to the Mayor for approval.

19. In presenting a concurrent resolution to the Mayor for approval, it shall be proper to present the original document, with the action of Councils endorsed thereon, authenticated by the signatures of the Clerks of Councils.

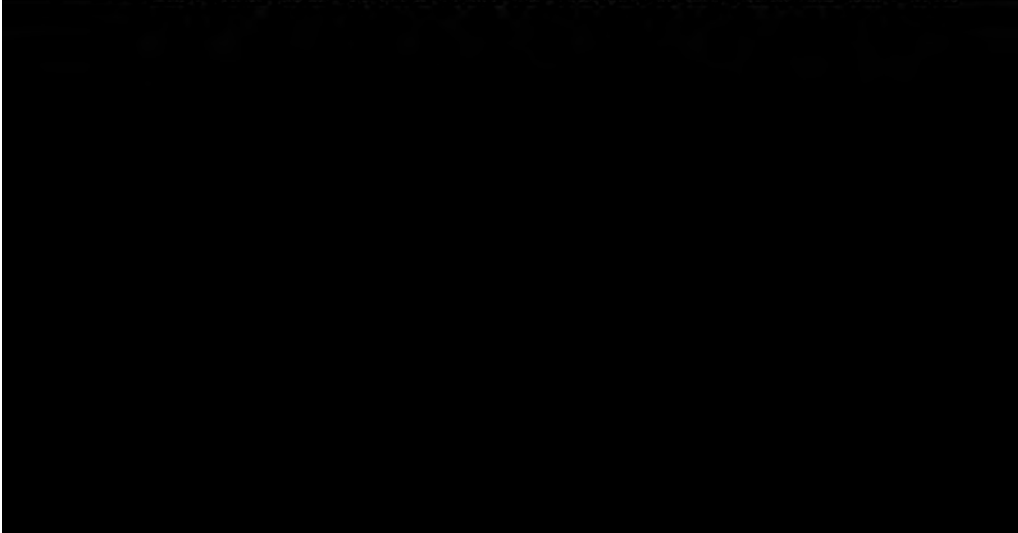
20. Any joint, or concurrent, affirmative action taken by Councils on any resolution, report, petition, or communication of any kind (ordinances or election of officers excepted) shall be deemed a concurrent resolution.

21. Separate resolutions, election of city officers, and all communications, reports, resolutions, documents, papers, etc., ordered placed on file, tabled, laid on the table, deferred, postponed, etc., shall not be presented to the Mayor for approval.

22. In every case of disagreement on any matter requiring concurrent action of Councils, if either branch shall request a conference for a union of sentiment, and appoint a committee for that purpose, the other branch shall either recede from its former action and concur, or shall appoint a like committee to confer with them. Each committee shall consist of two members who voted in the prevailing side in their respective branches.

Said committee shall meet at the time appointed by the chairman, who shall be the first named member of the committee on the part of the branch requesting the conference.

They shall state to each other the reasons of the branches they repre-



28. The corresponding committees of both branches of Councils are authorized to meet as joint committees, and to transact business as such. A majority of every committee shall constitute a quorum.

29. The Joint Committees on Streets and Bridges, Sidewalks and Grades; Police, Docks and Harbor and Railroads; Health, Water and Markets shall be presided over by members of the Select Council. The Joint Committees on Finance, and Gas, Public Grounds and Printing and Conduits and Electrical Appliances shall be presided over by members of the Common Council.

30. All laws, ordinances and rules applying to Councils, or either branch thereof, shall govern the action of committees of such Councils respectively, so far as applicable.

31. If a joint rule be violated by either branch of Councils, the other branch may take cognizance of it, and raise a question of order, which shall be passed upon in the same manner as in case of the violation of a rule of such branch; and if it be decided by such branch that the joint rule has been violated, the ordinance, resolution or other matter involving such violation shall be returned to the branch in which the irregularity occurred, without further action, or the President may declare the part or parts in conflict with the rules as non-concurred in or negatived.

32. Motions to file, place on file, table, and lay on the table, shall be deemed synonymous; and when either of said motions is adopted in either branch, the Clerk shall file the paper, etc., referred to without sending it to the other branch for concurrence; but a document thus disposed of may be taken up at any time within thirty days thereafter, by either branch, upon an affirmative vote to take from the file, or take from the table, as the case may be. If no such action shall be taken within said thirty days, the document shall be considered permanently disposed of during the balance of the fiscal year.

An indefinite postponement shall be considered and have the effect of negative action.

33. All petitions, remonstrances, reports, bills, accounts, ordinances, communications, and other matters referred by either branch of Councils to any committee, city official or otherwise, shall go at once to such committee, official, etc., without being sent to the other branch of Councils for concurrence in such reference; provided, this shall not refer to matters so referred "with power," which shall go to the other branch for concurrence, and to the Mayor for approval, before the reference shall be deemed to be complete.

34. Unless otherwise ordered, all Joint Sessions and Conventions of Councils shall be held in the Common Council chamber, and shall be governed by the rules of the Select Council.

The President of the Select Council shall preside over all such Joint Sessions and Conventions as shall be held between the 1st day of April and the 30th day of September, inclusive, and the President of the Common Council shall preside over the same from October 1st to March 31st, inclusive; provided, that in the absence of the President entitled to preside, the Chair shall be occupied by the President of the other branch of Councils, if present, otherwise by a member chosen by the Convention or Joint Session.

35. The Councils shall meet in Joint Session at 12 o'clock, noon, on the first Monday in April succeeding the election of Mayor, and the oath of office shall then and there be administered to the Mayor-elect in the

presence of the Convention, whereupon the Mayor shall proceed to deliver his Inaugural Address.

36. These Rules may be suspended by a majority vote of both Councils; but such suspension shall not extend beyond an adjournment.

37. These Rules, or either of them, may be amended or repealed by a majority vote of both Councils; provided, that any rule, or part thereof, which is based on an Act of the Legislature of Pennsylvania cannot be amended or repealed.

PART IV.

Laws of 1906, Providing for
Personal Registration,
Uniform Primaries and Regulation of
Nominations
and Election Expenses.

1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

3.

PART IV.

Laws of 1906 Providing for Personal Registration, UNIFORM PRIMARIES AND REGULATION OF NOMINATION AND ELECTION EXPENSES.

Personal Registration Law.

1. Personal registration cities of the third class; appointment of registrars; term qualifications; political faith; electors' petition; public hearing; candidates ineligible; removal for misconduct, etc.
2. Petition for appointment of registrars; signers; to remain on file, open to inspection; notice of time and place of examination; protests; compensation of registrars.
3. Registration days; notice.
4. Registration; sickness or absence; petition; appeal; rule; return day; hearing; order; registrars; form of; instructions on registration form; perjury; manner of registering answers; index.
5. Right of registration.
6. Challenges; form of challenge affidavit; further proof; naturalization papers.
7. Striking of names from list; transfer of names.
8. Watchers; duties and powers of watchers; challenges.
9. Presence of electors.
10. Comparison and correction of registrars; certificate.
11. Complaints; hearing; amendment of register; petition; appeal; hearing.
12. Books, forms and supplies; custody and control of registers, etc.; delivery to commissioners; duty of registrars; payment of registrars; printing and delivery of registers, blanks, etc.; polling-places.
13. Right of franchise; proviso; duty of voters; use of registers at elections; ballot check list; voting check list; counting of vote, etc.
14. Wilful false statement; perjury; penalty; registrars; misdemeanor; penalty; false representation or personation; unlawful registration; misdemeanor; penalty; refusal to perform duty; penalty.
15. Repeal.

AN ACT

To provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions. March 5, 1906.
P. L. 63.

Section 1. Be it enacted, &c., That the County Commissioners of each county in which is located cities or a city of the third class shall, not later than June fifteenth, in the year one thousand nine hundred and six, and every third year thereafter, appoint two registrars for each election precinct or ward, to serve for a term of three years, and until their successors are duly qualified. The said registrars must be duly qualified electors of the precinct or ward for which they are appointed, and must have been residents of the city in which said precinct or ward is situated for a period of two years before their said appointment, and of the precinct or ward for one year immediately preceding the same. They must be sober and judicious persons, of good moral character, able to read intelligently and to write legibly. One of the said registrars shall be a member of the party polling the highest vote within the election precinct or ward at the last preceding election, and the other shall be a member of the party polling the next highest vote. It is the intent of this act that at all times the Board of Registrars shall be, as nearly as may be, evenly divided in political faith, and, therefore, if it appears that at any time, by reason of a change in political affiliations or because of error in the appointment, the Board is not so evenly divided, any

Personal registration.

Cities of the third class.

Appointment of registrars.

Term.

Qualifications.

Political faith.

<u>March, 5, 1906.</u> Electors petition.	ten electors of the district may file a petition with the County Commissioners, setting forth the facts, and praying that the changed or erroneous appointments may be revoked and another appointment made instead. The County Commissioners shall grant a public hearing, and if they find the facts to be as represented, they shall give the relief asked for; but no registrar shall be removed merely because his party, at an election following his appointment, has polled a less number of votes in the district than some other party. No person who holds, or is a candidate for, a public office shall act as registrar.
Public hearing.	
Candidates ineligible.	
Removal for misconduct, etc.	The County Commissioners shall also be empowered to remove any of the said registrars for misconduct or malfeasance in office.
P. L. 64.	
Petition for appointment of registrars.	Section 2. The names of two suitable persons to be registrars shall be suggested to the County Commissioners by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. These petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petitions shall remain on file, open to public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of the registration day, when the appointment can be made without such delay. If no petitions are filed, the County Commissioners may appoint without regard to party. No appointment shall be made unless the person who desires to be appointed personally appears before the County Commissioners, and satisfies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them.
Signers.	
To remain on file, open to inspection.	
Notice of time and place of examination.	At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the

and shall record on the registers the names of such persons ^{March 5, 1906.} as are qualified to vote as herein provided. Two weeks' notice of the registration days shall be given, by the registrars posting ^{Notice.} notices at the polling-places.

Section 4. Every person claiming the right to vote must ^{P. L. 65.} appear in person before the registrars, in the precinct or ward ^{Registration.} in which he lives, prior to every general November election; and if he has, subsequently to the said November election, moved into another precinct or ward, he must appear in person before the registrars, in the district to which he has thus removed, in order to enable him to vote at the ensuing municipal February election; unless, in either case, he is prevented ^{Sickness or absence.} by sickness or necessary absence from the city from appearing before the said registrars to be registered in person. In either of these cases, it shall be his right, at any time, to present his petition to the County Commissioners and in case they shall ^{Petition.} refuse to order his name placed on the registration list, the said petitioner may appeal to the court of common pleas ^{Appeal.} of the district in which he resides, if the said court is in session, or, if not in session, to any judge thereof; whereupon the said court shall grant a rule upon the said county commissioners ^{Rule.} to show cause why the name of the said person should not be placed upon the registers; and the said court, or judge thereof, shall fix a day certain for the ^{Return day.} return of the said rule, at which time the parties can be heard; and upon the return of the said rule, upon a hearing duly had, if the said court or ^{Hearing.} judge shall be satisfied that the facts set forth in the petition are true, and that the applicant was prevented by sickness or necessary absence from the city from appearing in person before the registrars and being registered, and is qualified to vote, the rule may be made absolute; and the registrars shall be directed to place the name of such person or persons ^{Order.} upon the registers.

Every person appearing before the registrars, after being sworn, shall answer the questions put to him by them. These answers must be recorded on a single line, in two registers, ^{Registers.} which shall have the following form. The size and character of the registers shall be determined by the County Commis- ^{Form of.} sioners.:

March 5, 1906. P. L. 66.

Present Residence Street and Number Room or Floor occupied		Occupation Lodger, Lessee, or Owner	2 3 4 5 6	7 8 9 10 11 12 13 14 15
Place of Residence at time of last Registration City Street and Number Year Place of Birth Naturalization Papers produced, Yes or No Tax Receipts produced, Yes or No				

March 5, 1906. P. L. 67.

16	No. of Affidavit of loss, if taken. If under 22 years of age, write "age"	
17	Color	Personal Description
18	Approximate Age	
19	Tall Short or Medium	
20	Approximate Weight	
21	If challenged, No. of Challenged Affidavit.	
22	Voted	
23		
24		

- March 5, 1906** Immediately above the form shall be printed the following instructions: The applicant must be sworn or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any willful false statement constitutes perjury, and is punishable as such.
- Instructions on registration form.**
- Perjury.**
- Index** Every register shall be indexed alphabetically from A to Z. The answers of the applicants shall be recorded in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth or sixth columns, whether he is a lodger, lessee or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he so registered; in the thirteenth column, the state or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth and sixteenth columns, the manner in which he complies with the law to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; in the seventeenth, eighteenth, nineteenth, and twentieth columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-first column shall be entered the number of the challenge affidavit of every
- Manner of registering answers**

March 5, 1906.P.L. 70.Striking of
names from
list.Transfer of
names.

Watchers

Duties and
powers of
watchers.

Challenges.

Presence of
electors.Comparison
and correction
of registers.

Section 7. On the registration day preceding the February election, the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the precinct or ward, to have died, or removed from the district, since the last registration. If, between the November and February elections, the applicant has moved from one precinct or ward into another, it shall be his right to be registered in the precinct or ward to which he has thus removed; but in such case the registrars shall certify the fact of his new registration back to the registrars of the precinct or ward in which he was formerly registered, and the registrars of the district shall thereupon cancel his name upon the registers.

Section 8. Parties or bodies of electors, who are now, or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the precinct or ward to act as watchers in each place of registry, without expense to the county, on each registration day. No more than one watcher from such party shall be allowed in the registry place at any one time. Each watcher shall be provided with a certificate from the County Commissioners, stating his name and the party or policy he represents. Watchers shall be entitled to be present during all of the public sessions herein provided for, and shall be required to show their certificates when requested to do so. They shall have the power to challenge.

Section 9. No more than six electors, other than the registrars and the watchers herein provided for, shall be allowed in the registry-room at any one time.

Section 10. At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them. The registrars shall then sign their

before the County Commissioners, and the registers of voters March 5, 1906. may be amended, either by the insertion of a new name or Amendment of register. the cancellation of a name already on the registers, or otherwise, as the County Commissioners may order. The County Commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks. All such applications for correcting the registers must be made not later than ten days prior to an election.

The applicant, or any elector who is not satisfied with the decision of the County Commissioners, may petition the court Petition. of common pleas, setting forth the reasons why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the County Commissioners. And the said Appeal. court, after a public hearing, may reverse, affirm, or alter the decision of the County Commissioners. Said appeals must be made not later than five days preceding an election. Hearing.

Section 12. The registrars shall obtain, at the office of County Commissioners, the blank books, forms and other Books, forms and supplies. supplies prepared for their use, before the first registration day, and shall have the same at the polling-place on the said day. On registration days, and during the time from one such day to another, until the close of the registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping, of the registers in Custody and control of registrars, etc. which they have made entries, together with all affidavits, forms, &c., which have been taken in duplicate, as hereinbefore provided. At the close of the registration, and before Delivery to commissioners. twelve o'clock noon of the following day, the registrars shall deliver the registers, together with all affidavits, vouchers, unused forms, &c., to the office of the County Commissioners; and the said papers shall remain there on file, open to public inspection, under proper regulations for their safe-keeping; subject, however, to the further provisions of this act. On the Saturday or Monday prior to the fourth Tuesday preceding the February election, the said registrars shall obtain from Duty of registrars. said office, each, the register kept by him, together with a sufficient number of blank forms and other supplies, and shall have the same at the polling-place, for use on the registration day; and, as before, shall be charged with the safe-keeping, and return of said records before noon of the day following the registration day.

The County Commissioners of each county, upon proper Payment of Registrars. vouchers, shall provide for the payment of the registrars provided by this act. They shall furnish proper rooms for the accommodation of themselves and their records. They shall also prepare and have printed, at the expense of the Printing and delivery of registers, blanks, etc. county, all the registers, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the registrars. It shall also be their duty to see that the polling-places are open and in Polling-places. proper order for the use of the registrars. They shall also deliver the two registers to the election officers, in the man-

March 5, 1906. ner in which they are or may be required to deliver other election materials, for use on election day.

P. L. 72.

Right of franchise.

Proviso.

Duty of voters.

Use of registers at elections

Ballot check list.

Voting check list.

Counting of vote, etc.

P. L. 73

Wilful false statement.

Perjury.

Penalty.

Section 13. Any person whose name is on the register shall be entitled to vote at any general, special or municipal election unless it shall be shown to the satisfaction of the election officers that he is no longer a resident of the election district in which he is registered: Provided, That if a special election shall intervene between registration day and the next general or municipal election, the presence of the name of an elector on the list shall only be prima facie evidence of his right to vote. If his name is not registered he shall not be entitled to vote at any election. Before receiving his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place provided for that purpose, if able to do so, and by the production of such other evidence as is or may be required by law.

The two registers shall be used at elections by the election officers, in the place of the ballot check list and the voting check list. One of the said registers shall be marked "ballot check list," and the other shall be marked "voting check list." After the polls are closed the names checked as having voted, in the said two registers shall be immediately counted, and the result announced before the ballot-box is opened. The two registers shall then be immediately sealed up in an envelope, and shall be returned to the custody of the County Commissioners when the ballot-box and other election returns are delivered to the proper officers.

Section 14. Any wilful false statement made, under oath, by any person, in relation to any matter or things concerning which he shall be lawfully interrogated by the registrars, shall be perjury, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding two years, or both in the discretion of the court.

A registrar who inserts, or intentionally permits to be inserted, a name on the registry list without a proper application in person, during the hours of registration, on a registration day, on the part of the person registered, or without requiring the proper evidence of the right of the applicant to be registered; or who wilfully and maliciously alters any registry list after the entry has been duly made, except upon an order of the court or of the County Commissioners; or who makes an entry or alteration therein at any time other than during the hours of registration, and in the presence of the other registrar, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

March 5, 1906.
Unlawful registration.

Misdemeanor.

Penalty.

Any registrar or other officer, upon whom a duty is laid by this act, who shall wilfully refuse to perform his said duty shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

Refusal to perform duty.

Misdemeanor.

Penalty.

Section 15. All laws or parts of laws inconsistent herewith are hereby repealed, so far as they affect the cities to which this act applies.

P. L. 74.
Repeal.

Approved—The 5th day of March, A. D., 1906.

Uniform Primaries Act.

- 1 Uniform primaries.
- 2 Winter primary; spring primary delegates to State and National Conventions; candidates; manner of election and nomination; proviso; borough and township offices, etc.; nomination papers; presidential electors.
- 3 Secretary of the Commonwealth to send list of Congressional Candidates, etc.; delegates to State and National conventions; party offices; county commissioners shall publish number of delegates, list of officers, etc.
4. County commissioners shall prepare ballots; details as to ballot.
5. Petitions of electors; filing of; number of signers.
6. List of candidates; forms of ballots shall be on file.
- 7 Official ballots to be supplied by county commissioners; proviso; additional ballots; sample ballots; delivery of ballots; ballot boxes, blanks, return sheets, etc., delivery of; polling places.
8. Election boards; clerk compensation; vacancies; oath; poll hours; liquor selling; conduct of primaries; assistance to electors.
9. Expense of holding primaries, etc.; itemized statement; warrants;
10. Qualification of electors; proof; right to receive ballots; proviso; oath or affirmation; affidavit.
- 11 Custody of ballot boxes, list etc.; counting the vote; certificate; sealing of returns; canvass petition alleging fraud; recount; appeals; proviso; commissioners certification of returns; tabulation.
- 12 Nominees of State conventions; delegates; date of State conventions; candidates for nomination; party officers; in case of tie vote; vacancies.
- 13 Watchers; petition; Overseer.
14. Violations; police; officers; election officers; wilful fraud, etc.; misdemeanor; penalty; bribery.
15. Repeal.

AN ACT

Providing a uniform method of electing certain party officers, and delegates to the State and National Conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions.

Feb. 17, 1906.
P. L. 36.
Uniform pri-
maries.

Section 1. Be it enacted, &c., That this act shall be known and may be cited, as the "Uniform Primaries Act."

Section 2. From and after November first, one thousand nine hundred and six, two primaries shall be held each year, in every election district of this Commonwealth in which

the Spring primary. Candidates for all offices to be filled at the February election shall be nominated at the Winter primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at either or both primaries, by any political party or body of electors, one of whose candidates, at either the general or February elections preceding such primary, polled two per centum of the largest entire vote cast, in the political district in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

Manner of election and nomination.

Proviso..

Borough and township offices, etc.

Nomination papers.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.

Presidential electors.

P. L. 37.

Section 3. On or before the ninth Saturday preceding the Spring primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State Conventions, to be elected or voted for therein at the next succeeding general election.

Secretary of the Commonwealth to send list of Congressional candidates, etc.

On or before the same date, the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party.

Delegates to State and National conventions.

On or before the ninth Saturday preceding each primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Party offices.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation, published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

County commissioners shall publish number of delegates, list of offices, etc.

UNIFORM PRIMARIES.

Feb. 17, 1906 Section 4. Official primary ballots for each party shall be prepared by the county commissioners. These ballots shall be printed on white paper of uniform quality, and shall be uniform in size, style of printing and general appearance.

Form of primary ballot. The ballot for each party shall be in the following form:

..... PRIMARY BALLOT.....
(Name of Party.)

.....District,.....Ward, City of.....
County of.....State or Pennsylvania.....
Primary held on the.....day of....., 190—

Make a cross (X) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose.

DELEGATES TO STATE CONVENTION.
(Vote for.....)

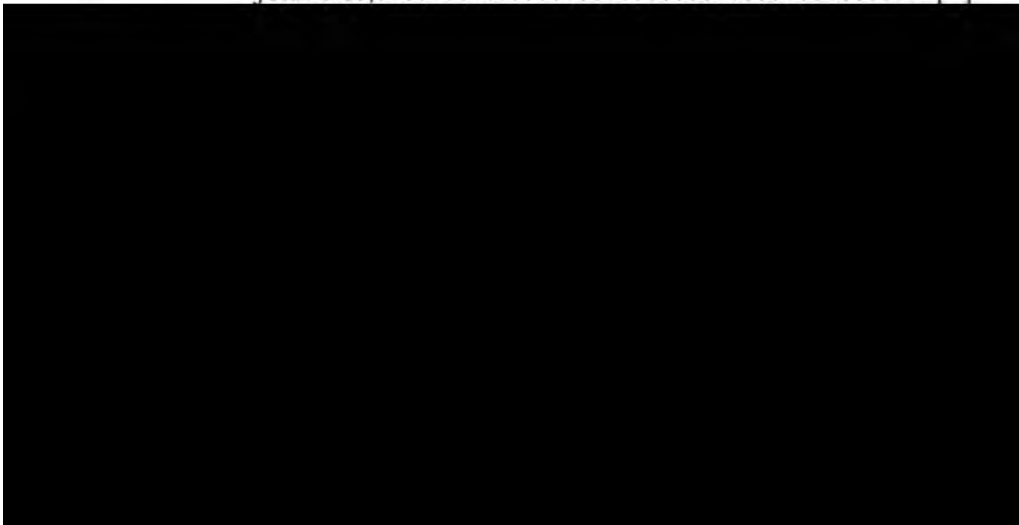
John Doe (Favors Thomas Smith for Governor.).....
Richard Roe,.....
John Stiles (Favors Henry Jones for Governor.).....

MEMBER OF CONGRESS,.....DISTRICT.
(Vote for one.)

John Doe,.....
Richard Roe.....
John Stiles,.....

STATE SENATOR,.....DISTRICT.
(Vote for one.)

John Doe,.....



The ballot shall vary in form only as the names of offices or candidates may require. The names of the candidates shall appear in alphabetical order under the respective offices. The voter may designate his choice, as is indicated by the instructions shown on the form of ballot above set forth.

Feb. 17, 1906
Details as to
ballot.

Each candidate for delegate shall have the right, by filing a request with the county commissioners, to have printed at the right of his name upon the official ballot, in the space provided for that purpose, the name of the candidate whom he will support in the convention.

Section 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

P. L. 39
Petitions of
electors.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

Filing of.

The number of signers shall be as follows:

Number of
signers.

1. Candidates for nomination for Members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for Members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors.

Section 6. The Secretary of the Commonwealth, immediately after the filing of the said petitions with him shall forward to the county commissioners of each county a correct list of the candidates of each party for the various offices, as contained in such petitions.

List of candi-
dates.

The county commissioners shall have on file in their office, at least one week preceding the primary, open to public inspection, forms of the ballots with the names printed thereon, which shall be used in each election district within such county.

Forms of bal-
lots shall be on
file.

Section 7. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, That the county commissioners shall furnish such additional number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of any party; such requests must be filed with the county commissioners two weeks before the primary.

Official ballots
to be supplied
by county com-
missioners.

Proviso.

Additional
ballots.

Feb. 17, 1906
Sample bal-
lots.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls.

Delivery of
ballots.

The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

Ballot boxes,
blanks, return
sheets, etc.

The county commissioners shall prepare, and furnish to the election officers, at the primaries, such ballot boxes, properly numbered for each election district, lists of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish, by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling-places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting-booths, as at elections.

P. L. 40.
Election
boards
Compensation.

Section 8. The primaries shall be conducted by the regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law.

Clerk.

Compensation.

Vacancies.

Oath.

Poll hours.

Liquor selling.

The polls shall be open between the hours of two post meridian and eight post meridian: Provided, That all persons licensed to sell liquors, either wholesale or retail, or as

ment of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury not otherwise appropriated. Feb. 17, 1906.
Warrants.

Section 10. The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity, on election day. Qualifications
of electors.

Proof.

Each elector shall have the right to receive the ballot of party for which he asks: Provided, That if he is challenged, he shall be required to make oath or affirmation that, at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks. Right to re-
ceive ballots.
Proviso.
Oath or affirm-
ation.

Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law. Affidavit.

Section 11. The ballot boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of elections. Custody of bal-
lot boxes, lists,
etc.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers. Counting the
vote.

Certificate.

Sealing of re-
turns

Canvass.

Upon petition of ten qualified electors of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the Petition alleg-
ing fraud.

Feb. 17, 1906. duty of the county commissioners to open the ballot box of the said district and to recount the votes. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a State Convention, such contests shall be determined by the State Convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

Commissioners certification of returns. The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least forty days prior to the election.

Tabulation. Section 12. Candidates for offices of the Commonwealth, to be voted for by electors of the State at large, shall be nominated by the State Conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the votes of the party electors at the Spring primary shall be the duly elected delegates to the respective State and National conventions. Said State Convention shall be held not later than one week after the date of the primary, in accordance with the rules of the respective parties.

P. L. 42.
Nominees of State conventions.
Delegates. Candidates for nomination as provided herein, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law.

Date of State Conventions.
Candidates for nomination.
Party officers. Candidates for party offices, who receive a plurality of

consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots. Feb. 17, 1906.
Overseer.

Section 14. Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, as indicated by this act, or who shall vote or attempt to vote more than once at a primary, or who shall have unlawfully in his possession an official ballot, outside the polling-place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizens' clothes, shall be within one hundred feet of a polling-place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants, or the preserving of the peace. Violations.
Misdemeanor.
Penalty.
Police officers

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote, at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court. Election officers.
Misdemeanor.
Penalty.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court. Wilful fraud etc.
Misdemeanor.
Penalty.

Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries shall con-

Bribery. tinue in force, and shall apply to bribery at primaries as provided by this act.

P. L. 44. Section 15. All laws or parts of laws inconsistent herewith
Repeal. are hereby repealed.

Approved—The 17th day of February, A. D., 1906.

Nomination and Election Expenses.

1 "Candidate for nomination" defined; "candidate for election" defined; "candidate" defined; "Public office" defined; "Political committee" defined; "election expenses" defined.

2 Treasurer of committee; receipts; disbursements.

3 Contributions for election expenses.

4 Lawful expenses.

5 When expenditures or receipts exceed \$50.00; candidates and treasurers to file detailed account; contents; when not in excess of \$50.00.

6 Vouchers; anonymous contributions; with whom accounts shall be filed; proviso.

7 Oath not to be administered until account is filed

8 Inspection and preservation of accounts; 9 Audit of accounts; security for costs; auditor; meeting; subpoenas; evidence to be filed; disposition of the costs.

10 Appeal; certifying decision to the Attorney General; proceedings under writ of quo warranto; proviso; proviso.

11 Certifying decision to District Attorney 12 Questions must be answered.

13 Sec'y of the Commonwealth shall supply blank forms.

14 Violation of this act; misdemeanor; penalty.

15. Repeal.

AN ACT

To regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act.

March 5, 1906
P. L. 78.

"Candidates for nomination" defined.

Section 1. Be it enacted, &c., That the term "candidate for nomination," as used in this act, shall include all persons whose names are presented for nomination to public office at any primary meeting, caucus, or convention, whether or not such persons are actually nominated thereat.

"Candidate for election" defined.

The term "candidate for election," as used in this act, shall include all persons whose names are printed as candidates on the official ballots, or on any official sticker, used at any election; and also all persons voted for, for any public office, who shall receive at least ten per cent. of the highest vote received by the successful candidate, for such

election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons. March 5, 1906.

Section 2. Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money which may be collected or received by such committee or by any of its members for election expenses; and unless such treasurer is first appointed, and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received by any political committee or by any of its members, for election expenses, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful for any political committee or any of its members to disburse any money for election expenses unless such money shall have passed through the hands of the treasurer. Treasurer of committee.

Receipts.

Disbursements.

Section 3. No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money or other valuable thing, whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee; and no officer of any corporation, whether incorporated under the laws of this or any other State or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money or other valuable thing belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever. P. L. 79.

Contributions for election expenses

Section 4. No candidate, and no treasurer of any political committee, shall pay, give or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

First. For printing and traveling expenses, and personal expenses incident thereto, stationary, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services. Lawful expenses.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions, and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, type writers, stenographers, janitors and messengers, actually employed.

Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by law.

Seventh. For the transportation of voters to and from the polls.

Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election.

March 5, 1906.
When expenditures or receipts exceed \$50.00.

Candidates and treasurers to file detailed account.

Contents.

When not in excess of \$50.00

P. L. 80.
Vouchers.

Anonymous contributions.

Section 5. Every candidate for nomination at any primary election, caucus, or convention, whether nominated thereat or not, shall, within fifteen days after the same was held, if the amount received or expended shall exceed the sum of fifty dollars, and every candidate for election, and every treasurer of a political committee, or persons acting as such treasurer, shall, within thirty days after every election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of fifty dollars,—file with the officers hereinafter specified a full, true and detailed account, subscribed and sworn or affirmed to by him, before an officer authorized to administer oaths, setting forth each and every sum of money contributed, received or disbursed by him for election expenses, the date of each contribution, receipt and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each, and to whom owing. In the case of candidates for election, who have previously filed accounts as candidates for nomination, the accounts shall only include contributions, receipts and disbursements subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee, in connection with any nomination or election, shall not exceed fifty dollars, the treasurer of the committee or candidate shall, within thirty days after the election, certify that fact, under oath, to the officer with whom the statement is filed, as hereinafter provided.

Section 6. Every such account shall be accompanied by vouchers for all sums expended exceeding ten dollars in amount. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer

Section 8. All such accounts shall be open to public inspection in the offices where they are filed, and shall be carefully preserved there for a period of two years.

March 5, 1906
P. L. 81
Inspection and
preservation of
accounts.

Section 9. Within twenty days after the last day for the filing of any account required by this act, any five electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the court of quarter sessions of the county in which the office where such account has been filed is situated, praying for an audit of such account. The court shall thereupon direct the officer or officers with whom such account has been filed to certify the same to the court for audit, and may, in its discretion, require security to be entered for costs. The court may, in its discretion, appoint an auditor to audit said account; but the fees of such auditor shall not exceed the sum of ten dollars a day for each day actually engaged. The court or auditor shall fix a date, as early as may be convenient, for the audit; at which time the person by whom such account has been filed shall be required to be present in person, to vouch his account, and answer, on oath or affirmation, all such relevant questions concerning same as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioner or the accountant may require to give evidence concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If, upon the audit, the court shall decide that the account was false in any substantial manner, or that any illegal election expenses were incurred, the costs of said audit shall be paid by the accountant; but, otherwise, by the petitioners.

Audit of ac-
counts.

Security for
costs.

Auditor.
Meeting.

Subpoenas.

Evidence to
be filed

Disposition of
the costs.

Section 10. The decision of the court upon the audit shall be subject to appeal; but if the court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee, the court shall certify its decision to the Attorney General, who shall thereupon cause a writ of quo warranto to be issued; and if, upon proceedings under such writ of quo warranto, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant: Provided, That in the case of candidates elected to the office of Senator or Representative in the General Assembly, the decision of the court shall be certified to the President of the Senate or to the Speaker of the House of Representatives, as the case may be: And provided further, That in case of any candidate elected to the office of member of the House of Representatives of the United States, the decision of the court shall be certified to the Governor of this Commonwealth, who shall transmit the same to the Speaker of the said House of Representatives.

Appeal.

Certifying deci-
sion to the At-
torney General
Proceedings
under writ of
quo warranto.

Provido.

Provido.

March 5, 1906
P. L. 82.

Certifying deci-
sion to District
Attorney.

Questions
must be
answered.

Secretary of
the Common-
wealth shall
supply blank
forms.

Violation of
this act.

Misdemeanor.
Penalty.

Section 11. If the court shall decide, upon the audit, that any person, whether a candidate or not, has incurred illegal election expenses, or has otherwise violated any of the provisions of this act, it shall certify its decision to the district attorney of the county in which such person may reside, and it shall thereupon be the duty of such district attorney to institute criminal proceedings against such person.

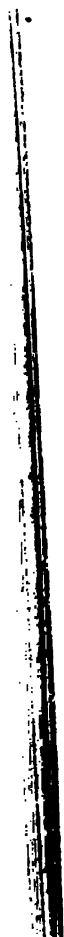
Section 12. No person shall be excused from answering any question, in any proceedings under this act, on the ground that such answer would tend to incriminate him, but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action for perjury in giving such testimony.

Section 13. The Secretary of the Commonwealth shall, at the expense of the commonwealth, furnish to the County Commissioners, blanks, in the form approved by the Secretary and Attorney General, suitable for the statements hereinbefore required. On the receipt of the list of candidates for public offices, before a caucus or primary, or upon the filing of a nomination, before a municipal election, the County Commissioners shall transmit to the candidate or candidates put in nomination, or at said primaries, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination for a State or National election, the Secretary of the Commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurer of the political committees, the blanks above described. To any person required to file a statement, such blank shall be furnished upon application therefor.

Section 14. Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this act, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars or more than one thousand dollars, or by imprisonment for not less than one month or more than

PART V.

Officers of the Municipal Government
of the City of Erie,
From its Incorporation in 1851, to 1906,
Including the Burgesses of Erie
From the Organization of the Borough
in 1806, to 1851.



PART V.

Officers of the Municipal Government of the City of Erie, FROM ITS INCORPORATION IN 1851, TO 1906, Including the Burgesses of Erie from the Organization of the Borough in 1806, to 1851.

Organization of the Borough of Erie.

The first borough election was held May 5, 1806, and resulted as follows:

John C. Wallace, Burgess; Judah Colt, Rufus S. Reed, George Beuhler, Robert Hayes, George Schontz, Town Council; Robert Irwin, High Constable.

At the first Council meeting, May 7, 1806, James E. Herron was appointed Town Clerk; Thomas Forster, William Wallace, James Baird, Street Commissioners; William Bell, Treasurer.

Burgesses of Erie.

J. C. Wallace.....	1806
Thomas Wilson.....	1807
George Beuhler.....	1808-1809
John C. Wallace.....	1810-1811
Samuel Hays.....	1812
Judah Colt.....	1813
George Moore.....	1814-1815
Thomas H. Sill.....	1816-1817
George Moore.....	1818-1819
Judah Colt.....	1820-1821
John Morris.....	1822-1824
John C. Wallace.....	1825-1827
Tabor Beebe.....	1828
Thomas H. Sill.....	1829
William Johns.....	1830
George A. Elliot.....	1831
Thomas Forster (chosen).....	1832
Tabor Beebe (acted instead).....	1832
Thomas H. Sill.....	1833-1834
J. M. Sterrett.....	1835
J. B. Langhead.....	1836-1837
James J. White (March).....	1838
William Kelley.....	1839
Myron Goodwin.....	1840

CITY OFFICERS.

Rufus S. Reed.....	1841
Thomas Stewart.....	1842
Thomas H. Sill.....	1843-1844
Charles W. Kelso.....	1845
William Kelley.....	1846-1847
Charles W. Kelso.....	1848
A. W. Brewster.....	1849
B. B. Vincent.....	1850
Wm. Henry, Burgess of the Borough of South Erie.....	1866-1870

Mayors.

Thomas G. Colt.....	1851
Murray Whallon.....	1852
Alfred King.....	1853-1854
Wilson Laird.....	1855-1856
James Hoskinson.....	1857
Wilson Laird.....	1858
Sherburn Smith.....	1859-1861
Prescott Metcalf.....	1862-1864
F. F. Farrar.....	1865
Wm. L. Scott.....	1866
Orange Noble.....	1867-1870
Wm. L. Scott.....	1871
Charles M. Reed.....	1872-1873
Henry Rawle.....	1874-1875
John W. Hammond.....	1876
Selden Marvin.....	1877
David T. Jones.....	1878-1880
Joseph McCarter.....	1881-1882
Phillip A. Becker.....	1883-1884
F. F. Adams (a).....	1885
F. A. Mizener (a).....	1886
John C. Brady.....	1887-1888
Charles S. Clarke.....	1889-1892
Walter Scott.....	1893-1895

Common Council: Wm. S. Lane, President, S. W. Keefer, W. B. Hays, J. H. Riblet, G. J. Morton, J. W. Duggan, C. Siegel, F. Mutterer, D. D. Walker, J. B. Gnunison, H. P. Mehaffey, J. Graham.

1853 Select Council: A. P. Durlin, J. B. Smyth, D. G. Landen, P. Sennett, Jos. M. Sterrett, Wm. G. Arbuckle.

Common Council: John A. Tracy, President, C. B. Wright, J. M. Justice, E. A. Bennett, J. W. Duggan, A. Wild, E. J. Ames, M. R. Barr, A. Acheson, John Hearn, M. Henry, W. C. Braley.

1854. Select Council: J. M. Sterrett, J. B. Smyth, Wm. G. Arbuckle, A. P. Durlin, James D. Dunlap, P. Sennett.

Common Council: Matthew R. Barr, President, A. Acheson, W. C. Bralev, M. Henry, W. F. Rindernecht, S. Smith, E. J. Ames, E. A. Bennett, John S. Carter, J. W. Duggan, Adam Wild, Matthew Taylor.

1855. Select Council: Jas. D. Dunlap, W. G. Arbuckle, J. M. Sterrett, A. P. Durlin, F. Schneider, William Hoskinson.

Common Council: Matthew R. Barr, President, A. Acheson, Robert T. Sterrett, Moses Koch, S. Smith, M. Henry, John S. Carter, Adam Wild, David Kennedy, John W. Hays, C. Graham, John Goalding.

1856. Select Council: W. G. Arbuckle, John S. Carter Jas. D. Dunlap, William Hoskinson, J. M. Sterrett, F. Schneider.

Common Council: S. Smith, President, Jacob Kneip, William Himrod, Adam Wild, John Golding, David Kennedy, John W. Hays, M. Henry, Moses Koch, R. T. Sterrett, A. Acheson, M. R. Barr.

1857. Select Council: James D. Dunlap, Matthew R. Barr, F. Schneider, Joseph M. Sterrett, John S. Carter, W. G. Arbuckle.

Common Council: Adam Acheson, President, William Himrod, David Kennedy, James Sill, W. C. Warren, J. W. Hays, J. Kneip, C. Doll, James Cotter, M. Henry, John Sweeney, James Skinner.

1858. Select Council: Joseph M. Sterrett, John S. Carter, Sherburn Smith, C. Sevin, M. Henry, James D. Dunlap.

Common Council: Adam Acheson, President, Samuel Cummins, James Dunlap, John Ferrier, J. J. Fuessler, Jonas Gunnison, William B. Hays, Mathias Hartleb, E. N. Nason, John Sweeney, L. Strong, T. H. Stewart.

1859. Select Council: Jonas Gunnison, F. Schneider, John W. Hays, Mathias Mayer, David Sbirck, John H. Riblet, M. Henry, Joseph M. Sterrett.

Common Council: Adam Acheson, President, William B. Hays, James Dunlap, T. H. Stewart, H. Pelton, M. Schlaudecker, J. V. Boyer, H. B. Haverstick, J. M. Zuck, James Skinner, John Hearn, John Ferrier.

1860. Select Council: David Shirk, President, F. Schneider, John H. Riblet, Mathias Mayer, Charles M. Tibbals, David McAllister, Wilson King, William G. Arbuckle.

Common Council: Adam Acheson, President, James Skinner, John Hearn, J. V. Boyer, J. M. Zuck, L. Strong, P. Metcalf, J. Ferrier, J. Blenner, H. B. Haverstick, W. E. Bell, H. Pelton.

1861. Select Council: Jonas Gunnison, President, David McAllister, John H. Riblet, George W. Starr, M. Mayer, William A. Brown, James Dunlap, Wilson King.

Common Council: James Skinner, President, J. Blenner, H. B. Haverstick, L. Strong, H. Pelton, John Graham, W. B. Hays, James O'Hanlon, W. C. Warren, M. Hartleb, John Hearn, Geo. W. Colton.

1862. Select Council: Jonas Gunnison, President, George W. Starr, William A. Brown, James Dunlap, Wilson King, M. Mayer, John Ferrier, J. H. Riblet.

Common Council: James Skinner, President, H. Pelton, James O'Hanlon, W. B. Hays, W. C. Warren, John Hearn, J. S. M. Young, P. A. Becker, Jacob Bootz, H. B. Haverstick, M. Hartleb, M. Henry.

1863. Select Council: Wm. A. Brown, President, James Dunlap, John Ferrier, M. Mayer, J. H. Riblet, George W. Starr, James Skinner, Charles M. Tibbals.

Common Council: Mathew R. Barr, President, M. Hartleb, H. B. Haverstick, M. Henry, Jacob Bootz, J. R. Thompson, John W. Shannon, John Carse, C. Siegel, J. M. Kuhn, J. J. Rindernecht, John Clemens.

1864. Select Council; James Skinner, President, John Ferrier, J. H. Riblet, Charles M. Tibbals, George W. Starr, Thomas B. Vincent, H. B. Haverstick, John Moore.

Common Council: Matthew R. Barr, President, John Clemens,



1867. Select Council: John M. Kuhn, President, Joseph McCarter, N. Murphy, Charles H. Lovrien, P. Crouch, P. A. Becker, M. Hartleb, S. E. Bacon.

Common Council: M. Henry, President, F. P. Liebel, D. G. Ormsby, J. C. Spencer, F. Schlaudecker, A. W. Van Tassell, G. F. Brevillier, John Shenfield, Joseph Eichenlaub, P. B. Honecker, Andrew Burton, John O. Baker.

1868. Select Council: Phineas Crouch, President, S. E. Bacon, P. A. Becker, M. Hartleb, C. H. Lovrein, George M. Smith, Conrad Shenfield, A. W. Van Tassell.

Common Council: F. Schlaudecker, President, G. F. Brevillier, John O. Baker, John Shenfield, Joseph Eichenlaub, P. B. Honecker, Robert Kennedy, Joseph Blenner, J. W. Swalley, John Hearn, John Dunlap, J. M. Bryant.

1869. Select Council: Phineas Crouch, President, S. E. Bacon, P. A. Becker, M. Hartleb, A. W. Van Tassell, Jonas Gunnison, Joseph Eichenlaub, W. F. Rindernecht.

Common Council: F. Schlaudecker, President, J. M. Bryant, Robert Kennedy, J. W. Swalley, John Hearn, Myron E. Dunlap, John O. Baker, Michael Hogan, H. J. Conrath, W. S. Brown, Joseph Blenner, H. A. Conrad.

1870. Select Council: Phineas Crouch, President, Jonas Gunnison, P. A. Becker, Joseph Eichenlaub, Jr., M. Hartleb, Joseph McCarter, Samuel E. Bacon, William F. Rindernecht, George Seiter, Joseph Seelinger, E. Camphausen, William Henry.

Common Council: F. Schlaudecker, President, J. M. Bryant, Robert Kennedy, J. W. Swalley, John Hearn, Myron E. Dunlap, John O. Baker, Michael Hogan, H. J. Conrath, W. S. Brown, Joseph Blenner, Orville Johnson, J. Cronenberger, John Strahl, H. Kalvelage, F. Franz, J. F. Decker, George Stritzinger.

1871. Select Council: E. Camphausen, President, John Boyle, John Carse, P. A. Becker, Joseph Eichenlaub, Jr., Jacob Bootz, M. Hartleb, William G. Arbuckle, William F. Rindernecht, Geo. Seiter, Joseph Seelinger, William Henry.

Common Council: Myron E. Dunlap, President, C. M. Conrad, Charles D. Sweeny, H. J. Conrath, Ulrich Schlaudecker, John Metzner, George Loyer, W. R. Gray, William S. Brown, (a) C. W. Lytle, John O. Baker, M. W. Hogan, Henry Kalvelage, George Stritzinger, William Loesch, Michael Liebel, Michael Kress, Fred. Franz.

1872. Select Council: P. A. Becker, President, John Boyle, John Carse, William H. Deming, John R. Cochran, M. Hartleb, William G. Arbuckle, William F. Rindernecht, George Seiter, W. W. Thomas, William Henry, John Berst.

Common Council: W. R. Gray, President, C. M. Conrad, Charles D.

(a) Wm. S. Brown resigned and Valentine Heidt was elected by the Common Council to fill the vacancy. July 31, 1871.

Sweeney, Chas. F. Dunbar, Ulrich Schlaudecker, Jno. Sutter, John Metzner, George Loyer, Charles C. Shirk, A. P. Burton, Addison Leech, C. W. Lytle, William Loesch, Henry Kalvelage, Jacob Warfel, Fred Franz, A. Thayer, M. Liebel.

1873. Select Council: P A. Becker, President, John Boyle, John Carse, William H. Deming, John R. Cochran, M. Hartleb, Thomas H. Carroll, William G. Arbuckle, W. W. Thomas, A. B. Gunnison, John Berst, William Henry.

Common Council: Michael Liebel, President, Chris. Kessler, John Walsh, C. F. Dunbar, John Metzner, Ulrich Schlaudecker, John Sutter, C. C. Shirk, C. Swalley, George Loyer, A. P. Burton, A. Leech, Thomas Brown, J. Warfel, H. L. Gloth, H. Kalvelage, A. Thayer, Fred. Franz.

1874. Select Council: William Henry, President, John Boyle, William P. Atkinson, William H. Sandusky, William H. Deming, David T. Jones, John R. Cochran, Thomas H. Carroll, William Christie, W. W. Thomas, A. B. Gunnison, John Berst.

Common Council: Michael Liebel, President, Chris. Kessler, B. F. McCarty, John Walsh, John Sutter, J. A. Moser, Ulrich Schlaudecker, C. Swalley, George Loyer, Adam Brabender, Thos. Brown, Chas. Justice, Fred Schutte, M. Froelich, Henry Gloth, W. D. Feidler, A. Thayer, C. J. Brown.

1875. Select Council. David T. Jones, President, John Boyle, William P. Atkinson, William Lerch, W. H. Sandusky, George Loyer, G. T. Churchill, William Christie, John Youngs, A. B. Gunnison, Michael Liebel, Jacob Bootz.

Common Council: John Sutter, President, P. T. Donnelly, Ed. McCall, B. F. McCarty, F. Bauschard, Jr., J. A. Moser, F. P. Dippo, J. M. Zuck, Adam Brabender, John Constable, Sr., Charles Justice, Fred. Schutte, Martin Froelich, W. D. Feidler, William Loesch, Valentine Schultz, C. J. Brown, A. Thayer.

1876. Select Council: Michael Liebel, President, Christian Kessler,

1878. Select Council: Henry Shenk, President, Thomas Flynn, G. W. Starr, John Sutter, Henry Ackerman, J. M. Zuck, Jos. Johnston, Jr., J. J. Hogan, Wm. T. Smith, John Youngs, F. R. Simmons.

Common Council: W. W. Pierce, President, John A. Beebe, J. F. Siegel, Wm. Stanton, Wm. Nick, Sr., F. A. Clemens, Irvin H. Howard, Jr., J. B. Gunnison, E. McK. Whitley, C. Kolb, Wm. Hardwick, Frederick Salow, Dean Hawk, John Eberly, Adam Obringer, A. H. Faulkner, Chris. Kerner, J. F. Decker.

1879. Select Council: George W. Starr, President, William H. Sandusky, J. F. Downing, Joseph Johnston, Jr., Wm. T. Smith, F. R. Simmons.

Common Council: B. F. McCarty, President, John H. Carey, James Hunter, Charles Kelley, P. C. Heydrick, J. J. Sepple, Charles Roesch, L. W. Daly, D. R. Beck, E. McK. Whitley, J. R. Sherwood, J. C. Weaver, William Hardwick, Henry G. Warren, Thomas Paskett, William Bass, John Eberly, Dean Hawk, John Zurn, Fred. E. Gloth, Fred. Franz, Wm. O'Lone, Jacob Stritzinger.

1880. Select Council: Wm. H. Sandusky, President, Christian Kessler, J. F. Downing, William Hardwick, William T. Smith, Conrad J. Brown.

Common Council: D. R. Beck, President, John H. Carey, Jacob Geib, James Hunter, Jacob Ostheimer, C. G. Clark, P. C. Heydrick, Dominic Mayer, David Walmsley, L. Koster, J. R. Sherwood, J. C. Weaver, William Baas, Charles M. Briggs, Robert Dill, Edward Donnelly, John Eberly, William Loesch, J. R. Saltsman, John T. Burns, Fred. Franz, Reinhard Liebel, Joseph Sloan.

1881. Select Council: Wm. T. Smith, President, C. Kessler, Geo. Schlaudecker, J. R. Sherwood, Wm. Hardwick, C. J. Brown.

Common Council: Thos. Paskett, President, Wm. A. Besley, Timothy Mahoney, Chas. Scuhart, W. Stanton, C. G. Clark, J. C. Fagan, J. Felgemaker, John Shehan, Conrad Diehl, J. P. Metcalf, Adam Minnig, J. W. Zuck, Robert Dill, D. P. Ensign, Walter Scott, Chas. H. Barth, V. D. Eichenlaub, C. P. Haskins, R. Liebel, Dr. A. S. Lovett, J. M. Skinner, Xavier Wolf.

1882. Select Council: Wm. T. Smith, President, Frank Gunnison, Geo. Schlaudecker, J. R. Sherwood, Thos. Paskett, R. Liebel.

Common Council: Walter Scott, President, F. W. Grant, Wm. Stanton, James Hunter, John Mulcahey, P. J. Schotten, Jacob Sandusky, M. Ballentin, S. Kirchner, J. P. Metcalf, J. W. Zuck, Adam Minnig, C. Diehl, F. Diehl, H. F. Kerber, E. L. Pelton, H. W. DeWitt, John Zurn, Peter Peterson, Dr. A. S. Lovett, Robert T. Walker, M. Bauemister, X. Wolf.

1883. Select Council: J. R. Sherwood, President, Frank Gunnison, E. C. Siegel, Walter Scott, Wm. T. Smith, R. Liebel.

Common Council: H. W. DeWitt, President, F. W. Grant, Timothy

Mahoney, John A. Reynolds, John Mulcahy, C. S. Marks, P. J. Schotten, John J. McKinley, Wm. J. Watkins, J. P. Metcalf, J. W. Zuck, C. Diehl, Frank V. Kepler, R. E. Clemens, Wm. Roward, F. Diehl, J. D. Twohy, J. Kaltenbach, R. Phister, Wm. Stricker, Jacob Schultz, J. Stritzinger, Chris. Conrad, Nickolas Blass.

1884. Select Council: Walter Scott, President, F. W. Grant, E. C. Siegel, J. R. Sherwood, C. P. Haskins, Edward Hoffman.

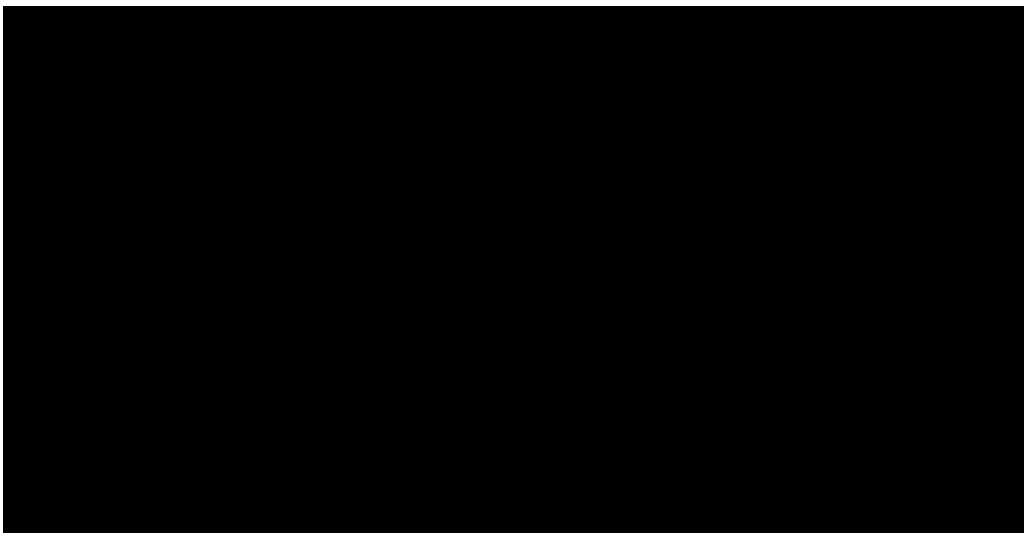
Common Council: C. S. Marks, President, J. A. Reynolds, John Mulcahey, John A. Gensheimer, Ignatius Bechtold, Chas. Volland, P. J. Schotten, James Carney, D. Hartleb, F. V. Kepler, Jas. F. Casey, D. T. Murray, F. Diehl, William Roward, Chas. S. Clarke, Jos. Boyd, Rudolph Phister, Jos. Pfeffer, Chas. Sechrist, S. P. Harple, Joseph Sloane, John G. Gray, Hobert Hogan, John M. Skinner.

1885. Select Council: E. C. Siegel, President, F. W. Grant, Henry Mayer, Walter Scott, Chas. P. Haskins, Edward Hoffman.

Common Council: D. T. Murray, President, Ignatius Bechtold, John A. Gensheimer, Arthur O'Donnell, Thos. J. Paradine, Jas. Carney, John Fries, Jr., Chas. Hays, Jacob Kaltenbach, Jas. F. Casey, William Porsch, David Schlosser, William Bauman, Joseph Boyd, C. A. Constable, Jas. P. Hanley, Chas. Sechrist, Wm. Flickinger, Winand Pesch, George Schlindwein, Jas. E. Graham, J. M. Kavelage, Henry Hausman, Wm. M. Zimmer.

1886. Select Council: Walter Scott, President, Arthur O'Donnell, Henry Mayer, F. P. McGraw, E. C. Siegel, C. J. Brown.

Common Council: James P. Hanley, President, V. G. Hancock, Peter L. Leemhuis, James Carney, Chas. Hays, S. B. McCord, Wm. Porsch, August Bach, C. A. Constable, Chas. Sechrist, And. J. Church, J. J. Berchtold, Henry Hausman, John F. Hurley, James O'Hearn, John Theno, Jr., Jacob Kaltenbach, H. G. Schabacker, David Schlosser, Joseph Boyd, Adam Becker, Philip Schloss, John Jerge, Wm. M. Zimmer.



1889. Select Council: T. S. Alberstadt, President, Arthur O'Donnell, W. A. Elliott, Jacob Kaltenbach, J. C. Williams, E. D. Carter.

Common Council: R. T. Brown, President, John H. Carey, P. L. Leemhuis, Samuel Althof, John C. Klick, Adam Karch, J. T. Davies, R. B. Hough, Adam Becker, Erie O'Dell, W. R. Barnes, Fred. Hermann, Frank Kern, Michael Smith, John Fries, J. P. Rastatter, Louis Gorenflo, R. G. Newbegin, G. W. Fassett, C. W. Lambson, Frank Blum, John Schneider, John Hellmann, John Strauch.

1890. Select Council. T. S. Alberstadt, President, T. W. Shacklett, R. T. Brown, James Carney, J. L. Sternberg, J. Kaltenbach,

Common Council: John Hamberger, President, Frank Kern, J. C. Osborne, S. B. Kennedy, Jr., Henry Hausman, John Hellman, P. L. Leemhuis, J. P. Rastatter, E. B. Kelley, E. S. Rockafellar, Aug. Younghans, W. R. Barnes.

1891. Select Council: Jacob Kaltenbach, President, T. W. Shacklett, James Carney, R. T. Brown, J. L. Sternberg, T. S. Alberstadt.

Common Council: John Hamberger, President, W. J. Quinn, P. L. Leemhuis, J. C. Osborne, J. P. Rastatter, Peter Blass, S. B. Kennedy, Jr., E. S. Rockafellar, Erie O'Dell, August Younghans, John Hellmann, W. R. Barnes.

1892. Select Council: James Carney, President, W. J. Quinn, (elected to fill vacancy caused by resignation of T. W. Shacklett), R. T. Brown, J. L. Sternberg, Jacob Kaltenbach, T. S. Alberstadt.

Common Council: E. S. Rockafellar, President, P. R. Kelley, Isador Sobel, Edward Mehler, Charles Huster, Peter Blass, John Hamberger, John J. O'Brien, August Younghans, Erie O'Dell, P. E. McCully, (resigned July 14, John Strauch elected to fill vacancy), Fred. Hermann. Messrs. Quinn and Leemhuis, members of Common Council, resigned in July and Messrs. Kelley and Sobel elected to fill vacancies.

1893. Select Council: J. L. Sternberg, President, W. J. Quinn, James Carney, R. T. Brown, Jacob Kaltenbach, T. S. Alberstadt.

Common Council: John J. O'Brien, President, P. R. Kelley, Isador Sobel, Charles Huster, Edw. Mehler, John Hamburger, P. P. O'Brien, E. S. Rockafellar, John Schneider, Peter Wehan, John Strauch, Fred. Hermann.

1894. Select Council: R. T. Brown, President, W. J. Quinn, Fred Gingenbach, E. S. Rockafellar, Jacob Kaltenbach, Thomas Pickering.

Common Council: Isador Sobel, President, P. R. Kelley, Edw. Mehler, Jacob Sandusky, Geo. W. Fassett, Thomas Paskett, John Hamberger, P. P. O'Brien, Peter Wehan, Jno. Schneider, John Buettner, Julius Fuhrmann.

1895. Select Council. E. S. Rockafellar, President, W. J. Quinn, Fred. Gingenbach, R. T. Brown, Jacob Kaltenbach, Thomas Pickering.

Common Council: John Hamberger, President, J. E. Sherwood, E. B. Tanner, Edward Mehler, Jacob Sandusky, A. B. Aitken, Geo. W. Fassett, Thomas Paskett, John T. Brew, Geo. W. Heisler, John Buettner, Julius Fuhrmann.

1896. Select Council: Fred. Gingenbach, President, Chas. P. Haskins, Alex. B. Aitken, E. S. Rockafellar, Henry Zimmerly, Thomas Pickering.

Common Council: Ed. B. Tanner, President, John E. Sherwood, A. Brugger, D. Flanagan, John Hamberger, Charles Steen, R. B. Hough, J. W. Leech, John T. Brew, Geo. W. Heisler, G. J. Gebauer, Chas. H. Miller.

1897. Select Council: Thomas Pickering, President, Chas. P. Haskins, Fred. Gingenbach, A. B. Aitken, E. S. Rockafellar, Henry Zimmerly.

Common Council: John W. Leech, President, John E. Sherwood, Peter F. Rastatter, A. Brugger, D. Flanagan, John Hamberger, H. W. Bostwick, R. B. Hough, John T. Brew, Geo. W. Heisler, G. J. Gebauer, Chas. H. Miller.

1898. Select Council: C. P. Haskins, President, P. J. Emling, A. B. Aitken, R. St. P. Lowry, H. Zimmerly, C. B. Lorenz.

Common Council: John T. Brew, President, John E. Sherwood, Peter F. Rastatter, D. E. Shier, Bernard Veit, John Hamberger, H. W. Bostwick, W. D. Kinney, J. W. Leech, Geo. W. Heisler, Chas. Erhart, Matt. Hellman.

1899. Select Council: President, A. B. Aitken, R. St. P. Lowry, H. Zimmerly, C. B. Lorenz.



1901. Select Council: Chas. B. Lorenz, President, Wm. S. Gintz, P. J. Emling, C. F. Hummel, R. St. P. Lowry, John T. Brew.

Common Council: Peter Wingerter, President, Michael T. Hart, Geo. M. Lyle, Wm. G. Haas, John Spetz, Jr., D. W. Harper, M. R. Nason, Wm. D. Kinney, P. H. Schade, F. J. Miller, P. J. Strahl, Chas. Erhart.

1902. Select Council: John T. Brew, President, Wm. S. Gintz, Bernard Veit, Chas. F. Hummel, Hugh C. Lord, James D. Miller.

Common Council: Miles R. Nason, President, M. T. Hart, Geo. M. Lyle, Wm. G. Haas, D. E. Shier, D. W. Harper, Ernest Strick, James B. Yard, F. J. Miller, P. J. Strahl, W. T. Hallifield, W. C. Illig.

1903. Select Council: John T. Brew, President, Wm. S. Gintz, Bernard Veit, Chas. F. Hummel, Hugh C. Lord, James D. Miller.

Common Council: Wm. C. Illig, President, R. D. Noonan, Geo. M. Lyle, Wm. G. Haas, D. E. Shier, Geo. Werner, Harold M. Sturgeon, Ernest Strick, James B. Yard, Geo. J. Miller, Wm. Bell, W. T. Hallifield.

Geo. Werner resigned Nov. 3, 1903. H. C. Mabie was elected on the third Tuesday of February, 1904, to fill the vacancy.

1904. Select Council: Hugh C. Lord, President, A. W. Tuttle, Bernard Veit, Henry Kessler, Chas. F. Loesel, J. D. Miller.

Common Council: James B. Yard, President, R. D. Noonan, Geo. M. Lyle, Thos. Oldman, A. W. Wittmann, H. M. Sturgeon, H. C. Mabie, Ernest Strick, Wm. Bell, Geo. J. Miller, Wm. T. Hallifield, Chas. Franklin.

1905. Select Council: Hugh C. Lord, President, A. W. Tuttle, Bernard Veit, Henry Kessler, Chas. F. Loesel, James D. Miller.

Common Council: James B. Yard, President, Henry Hinrichs, Jno. J. Barber, Thos. Oldman, A. W. Wittman, Ray E. Miner, H. C. Mabie, Ernest Strick, Wm. Bell, Frank Laird, Wm. T. Hallifield, Chas. Franklin.

1906. Select Council: A. W. Tuttle, President, Louis E. Mehler, Henry Kessler, Richard P. Dailey, Chas. F. Loesel, Peter Wingerter.

Common Council: Wm. Bell (acting) President; (the legality of Mr. Bell's election as President of the Common Council was being contested in Court when this part of the volume was printed.) Henry Hinrichs, John J. Barber, Thomas Oldman, John Maras, Ray E. Miner, H. C. Mabie, Robert E. Findley, Jacob Hammer, Wm. Bell, Frank Laird, John Balzer, J. W. Loell.

Clerks of Select Council and City Clerk (a).

Jonas Gunnison.....	1851
W. H. Sherman.....	1852-1854
Thomas Moorhead.....	1855-1857
J. F. Downing.....	1858-1864
R. W. Russell.....	1865

(a) The title of "Clerk of the Select Council" was changed to "City Clerk" by ordinance of July 30, 1878. A 504.

A. J. Foster.....	1866-1867
John C. Hilton.....	1868
Daniel Sullivan.....	1869-1870
Thomas Hanlon.....	1871-1906

Clerks of Common Council and Assistant City Clerks.

William P. Trimball.....	1851
William Thornton.....	1852-1861
James G. Payne.....	1862
George P. Griffith.....	1863
T. J. Wells.....	1864
George P. Griffith.....	1865-1866
P. B. Honecker.....	1867-1868
William Donald.....	(a) 1869-1883
William Donald	} (b) 1884
James C. Johnson	
John Dodge, Jr.	
Eugene Metz.....	1885-1887
M. J. Fogarty.....	1888-1894
Sam. B. Kennedy, Jr.....	1895-1897
Chas. A. Gaither.....	1898-1901
Sam. B. Kennedy, Jr.....	1902-1906

(a) By Ordinance of Dec. 18, 1882, C. 69 the Clerk of the Common Council became ex-officio, assistant City Clerk.

(b) Wm. Donald died August, 1884; J. C. Johnson was elected Clerk August 25th, 1884, resigned January 12th, 1885, and John Dodge, Jr. was elected to fill the vacancy. Mr. Dodge served as Clerk until April 6th, 1885.

City Controllers (a).

Pressley Arbuckle....	1867-1882
Eugene Metz.....	1883-1884
Chas. S. Clarke.....	1885-1888
G. F. Brevillier.....	1889-1895
Walter W. Gingrich.....	1896-1901
George W. Brown.....	1902-1904

City Solicitors.

E. Babbitt.....	1851-1859
C. W. Kelso.....	1860
John P. Vincent.....	1861-1865
D. B. J. Sterrett.....	1866
E. Babbitt.....	1867-1870
James Sill.....	1871
G. A. Allen.....	1872
G. W. Lathy & Son.....	1873-1875
Camphausen & Lamb.....	1876
T. A. Lamb.....	1877-1888
Jos. P. O'Brien.....	1889-1895
Henry A. Clarke.....	1896-1898
William G. Crosby.....	1899-1905
Chas. P. Hewes.....	(a) 1906

City Engineers.

Samuel Low.....	1851-1859
R. F. Gaggin.....	1860
Samuel Low.....	1861-1863
John H. Miller.....	1864
Wilson King.....	1865
G. W. F. Sherwin.....	1866-1870
A. A. Gray.....	1871-1874
Irvin Camp.....	1875-1877
W. W. Brigden.....	1878-1881
Geo. L. Moody.....	(b) 1882-1883
Irvin Camp.....	1884
V. S. Dobbins.....	1885-1886
Geo. Platt.....	1887-1896
Benjamin E. Briggs.....	(a) 1897-1906

Chiefs of Fire Department. (c)

S. T. Nelson.....	1851
A. P. Durlin.....	1852
G. A. Bennett.....	1853
James Kennedy.....	1854
J. B. Gunnison.....	1855
Thomas Magill.....	1856
G. A. Bennett.....	1857-1858
William Murray.....	1859-1861
G. A. Bennett.....	1862-1864
J. S. Stafford.....	1865-1866
Fred Gingenbach.....	1867
William Murray.....	1868
G. A. Bennett.....	1869-1870
James S. Irwin.....	1871-1876
J. A. Moser.....	1877-1893
John J. McMahon.....	1894-1906

(a) Term expires first Monday in May, 1909.

(b) Vacancy during part of 1883.

(c) Appointed by Mayor and Councils prior to 1884, since that year appointed by Board of Fire Commissioners.

Chiefs of Police.

S. L. Foster.....	1855
Willard Braley.....	1856-1858
R. M. Butterfield.....	1859
H. L. Brown (volunteer).....	1860
Thomas Crowley.....	1863-1869
W. H. Harris.....	1870
Walter H. Smith.....	1871
Joseph Blenner.....	1872-1876
Thomas Crowley.....	1877-1883
Joseph R. Ferguson.....	1884-1885
A. King.....	1886-1888
Wm. J. Grant (acting).....	1889
Wm. J. Grant.....	1890-1894
A. E. White.....	1895
Sam Woods.....	1896-1899
John A. Reynolds.....	1900-1901
John P. Sullivan.....	1902-1904
Edward W. Wagner.....	1905-1906

Superintendent of Streets and Sidewalks.

Matthias Detzel.....	1879-1880
John Warren.....	1881-1882
James Leask.....	1883-1885
P. J. Schotten (Streets).....	1886
R. T. Walker (Streets).....	1887-1889
Edw. McCall (Streets).....	1890-1893
John O'Hagan (Streets).....	1894-1896
Jno. J. Schweitzer (Sidewalks).....	1886-1893
John Pressley (Sidewalks).....	1894-1896
John O'Hagan.....	1897-1898
Clark M. Cole.....	1899-1902
Conrad J. Brown.....	1903-1904

Harbor Masters.

Andrew Scott.....	1851
George Miles.....	1852
Daniel Dobbins.....	1853
George Miles.....	1854
E. J. Ames.....	1855
Joseph Deamer.....	1856
Michael Henry.....	1857
James Dunlap.....	1858-1862
John Carse (part of year).....	1863
Michael Henry (part of year).....	1863
James Dunlap.....	1864-1870
Harrison Foster.....	1871
James Dunlap.....	1872-1877
M. W. Hogan.....	1878
James Atkinson.....	1879
James Dunlap.....	1880-1884
J. P. Thompson.....	1885-1887
Jno. A. Reynolds.....	1888
John Dunlap.....	1889-1903
Harry W. Mayo.....	1904
Wm. R. Jordan.....	1905-1906

Clerks of the Street Market.

Amos C. Landon.....	1851-1852
Joseph Deamer.....	1853
George Miles.....	1854
E. J. Ames.....	1855
Joseph Deamer.....	1856-1858
John Loyer.....	1859
Thomas Dillon.....	1860-1861
William L. Lapsley.....	1862-1865
John Wilkins.....	1866-1868
G. D. Tinkcom.....	1869-1880
Adam Hersch.....	1881
V. D. Eichenlaub.....	1882-1890
C. W. Brown.....	1891-1893
Central Market Company.....	1894 to April 1, 1895

NOTE—The Street Market was abolished April 1, 1895.

High Constables.

Amos C. Landen.....	1851-1852
Joseph Deamer.....	1853-1858
Thomas Dillon.....	1859-1860
Joseph Deamer.....	1861

NOTE—The office of High Constable was abolished in 1862.

Sergeants-at-Arms.

W. L. Lapsley.....	1862-1865
Thomas Wilkins.....	1866
John Wilkins.....	1867-1868
G. D. Tinkcom.....	1869-1882
John Eberle.....	1883 to Sep. 1890
J. R. Jordan.....	Sep. 1890-1898
Jacob Weinheimer.....	1899-1906

Superintendent of Parks.

Patrick Donahue..... 1893-1906

Superintendent of Lake Side Park.

Chas. H. Nunn..... 1897-1906

Municipal Boards.**Board of Health.**

- 1898 Jacob Warfel, Drs. J. R. Phillips, W. R. Hunter, Thomas Purcell; and M. C. Dunigan.
- 1899 Dr. M. C. Dunigan, Jacob Warfel, Drs. J. R. Phillips, W. R. Hunter and Thomas Purcell.
- 1900 Drs. Thomas Purcell, J. R. Phillips and W. R. Hunter; Jacob Warfel, and Wm. R. Heiss.
- 1901 Drs. J. R. Phillips, W. R. Hunter, and J. L. Ireland; Wm. R. Heiss and O. C. Gunnison.
- 1902 Drs. W. R. Hunter, J. L. Ireland and J. R. Phillips; Wm. R. Heiss and O. C. Gunnison.
- 1903 Wm. R. Heiss, O. C. Gunnison, Drs. W. R. Hunter, J. L. Ireland, and J. R. Phillips.
- 1904 Adam Karch, O. C. Gunnison, Drs. J. L. Ireland, J. R. Phillips and W. R. Hunter.
- 1905 Drs. J. L. Ireland, J. R. Phillips, and Wallace R. Hunter; Adam Karch.
- 1906 Drs. J. R. Phillips, W. R. Hunter, E. A. Reed; Adam Karch, Harry Lloyd.

- 1895 F. A. Mizener, Thomas G. Morse, Henry Beckman.
- 1896 Thomas G. Morse, Henry Beckman, Jacob Kaltenbach.
- 1897 Henry Beckman, J. Kaltenbach, E. J. Howard.
- 1898 J. Kaltenbach, E. J. Howard, Henry Beckman.
- 1899 E. J. Howard, Henry Beckman, J. Kaltenbach.
- 1900 Henry Beckman, J. Kaltenbach, Henry Zimmerly.
- 1901 J. Kaltenbach, Henry Zimmerly, Edward Heuer.
- 1902 Henry Zimmerly, Edw. Heuer, J. Kaltenbach.
- 1903 Edw. Heuer, J. Kaltenbach, Henry Zimmerly.
- 1904 Jacob Kaltenbach, Edward Heuer, Henry Zimmerly.
- 1905 Henry Zimmerly, Jacob Kaltenbach, Edward Heuer.
- 1906 B. J. Walker, James J. Carney, Stephen P. Hogan.

The first named for each year was President of the Board. The Clerk of the Common Council was ex-officio, Secretary of the Board from the time of its creation in 1884, until 1901. Richard E. Ford was Secretary from 1901 to 1906.

Board of Commissioners of Water Works.

- 1867 Wm. L. Scott, Henry Rawle, Wm. W. Reed.
- 1868-71 John C. Selden, (a) Henry Rawle, Wm. W. Reed.
- 1872-76 Matthew R. Barr, John Gensheimer, Wm. W. Reed.
- 1877 M. Liebel, John Gensheimer, Wm. W. Reed,
- 1878 M. Liebel, J. M. Bryant, Wm. W. Reed.
- 1879-80 M. Liebel, J. M. Bryant, G. W. F. Sherwin.
- 1881-84 M. Liebel, Benjamin Whitman, G. W. F. Sherwin,
- 1885 M. Liebel, Benjamin Whitman, George W. Starr.
- 1886 C. Kessler, Benjamin Whitman, George W. Starr.
- 1887-90 C. Kessler, C. J. Brown, George W. Starr.
- 1891 C. Kessler, C. J. Brown, Wm. Hardwick,
- 1892-95 T. W. Shacklett, C. J. Brown, (b) Wm. Hardwick.
- 1896-99 T. W. Shacklett, Clark Olds, Wm. Hardwick.
- 1900 T. W. Shacklett, Clark Olds, G. F. Brevillier.
- 1901-5 Willis B. Durlin, Clark Olds, G. F. Brevillier.
- 1906 Clark Olds, Willis B. Durlin, Wm. Hamilton.

SECRETARIES.

Wm. Brewster, from June 14th, 1867 to Nov. 2d, 1868.
 John C. Perkins, from Nov. 22d, 1868, to Jan. 1st, 1879.
 B. F. Sloan, from Jan. 1st, 1879, to June 1st, 1891.
 Wm. Himrod, from June 1st, 1891, to May 30th, 1902
 Geo. C. Gensheimer, June 14th, 1902 to 1906.

(a) Mr. Selden resigned before the end of his second term. Mr. Barr was chosen to fill the vacancy

(b) C. J. Brown resigned Dec. 28, 1895 to take the office of County Treasurer. He was succeeded by Clark Olds who was appointed January 2, 1896.

Board of City Assessors.

- 1890-2 John B. Gunnison, John Gensheimer, L. W. Olds.
- 1893-5 Martin Sitterlee, P. E. McCully, John Sullivan.
- 1896 J. W. Swalley, W. S. Royse, Julius Felgemaker.
- 1897-8 Julius Felgemaker, W. S. Royse, F. P. Magraw.
- 1899-1901 Chas. Barth, A. A. Adams, Geo. Burton,
- 1902-4 Chas. Barth, L. V. Newton, John S. Henry.
- 1905 Chas. Barth, L. V. Newton, John Sullivan.
- 1906 Chas. Barth, John Sullivan, Fred A. Clemens.

The first named for each year was President of the Board. Clerk of the Board for 1904-6, E. McK Whitley.

Board of Revision of Taxes and Appeals.

- 1896 Thomas Pickering, E. S. Rockafellar, R. T. Brown, Thomas Paskett and Julius Fuhrman.
- 1897 Thomas Pickering, E. S. Rockafellar, Thomas Paskett, Julius Fuhrman and E. B. Tanner.
- 1898 Thomas Pickering, E. S. Rockafellar, Julius Fuhrman, E. B. Tanner, and Robert Hough.
- 1899-2 Chas. B. Lorenz, A. B. Aitken, John W. Leech, Peter J. Strahl, and M. J. Sullivan.
- 1903 A. B. Aitken, Wm. G. Haas, M. T. Hart, D. E. Shier, and F. J. Miller.
- 1904-6 Wm. G. Haas, A. B. Aitken, M. T. Hart, D. E. Shier and F. J. Miller.

The first named for each year being President.

- 1904-6 Bureau of Assessments and Tax Revision, E. McK. Whitley, Sec'y.

Board of Park Commissioners

Board of Sinking Fund Commissioners.

- 1889-1892 Charles S. Clarke, G. F. Brevillier, James P. Hanley.
1893-1895 Walter Scott, G. F. Brevillier, James P. Hanley.
1896-1899 Robt. J. Saltsman, Walter W. Gingrich, Chas. C. Shirk.
1899-1901 John Depinet, Walter W. Gingrich, Chas. C. Shirk.
1902-1904 William Hardwick, Geo. W. Brown, Chas. C. Shirk.
1905-1906 Robt. J. Saltsman, John A. Gensheimer, A. S. Pinney.

The first named in each case being President and the second Secretary of the Board.

Board of Millcreek Commissioners.

- 1900-1903 Chas. A. Constable, President, H. C. Gould, Sec'y. Dr. B. A. Smith.

By the terms of the ordinance creating this board its existence was limited to three years, and terminated August 23d, 1903.

MAYOR.

Hon. Robert J. Saltsman, Mayor, died September 10th, 1906, and Hon. M. Liebel, Jr., was elected Mayor, on September 17th, 1906, to fill the vacancy.



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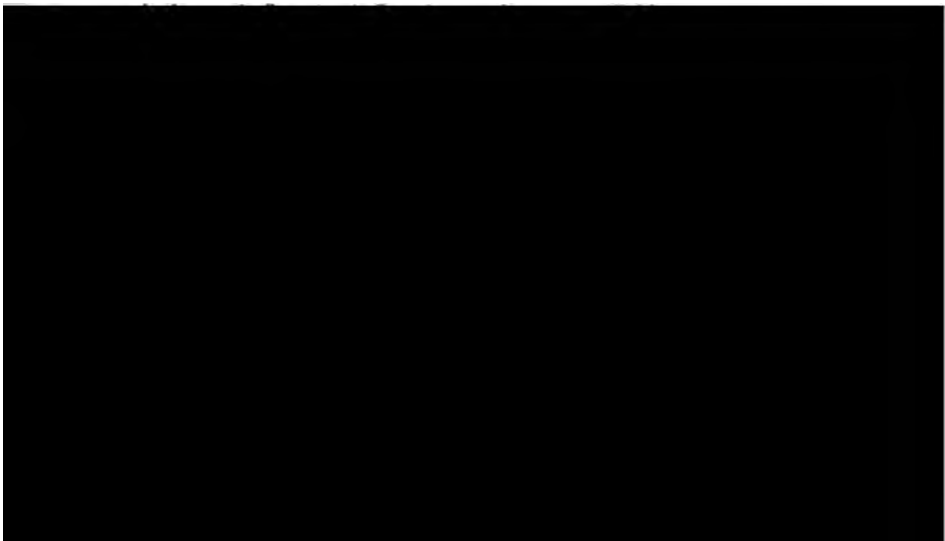
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